

MEETING NO. 14
July 10, 2003

ERIE COUNTY LEGISLATURE

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MEETING NO. 14
July 10, 2003

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Monsignor S. Theodore Berg, St. Teresa's R.C.C.

The Pledge of Allegiance was led by Mr. Holt.

Item 1 – CHAIRMAN SWANICK directed that Comm. 20E-2 (2002) remain on the table.

Item 2 – MR. RANZENHOFER moved to reconsider Intro.13-5 (2003) from Meeting #13.
MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 469

Re: Exemption of Sales & Use Taxes for
Periods 8/26/03 – 9/1/03 & 1/26/04 – 2/1/04.

A RESOLUTION SUBMITTED BY LEGISLATORS
LARSON, SWANICK, RANZENHOFER, CHASE, WEINSTEIN,
McCARVILLE, CUSACK, FALKNER, HOLT, KUWIK, SCHROEDER, FISHER, DALE,
DeBENEDETTI, SMITH, DUSZA & MARINELLI

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

SECTION ONE: Receipts from sales of and consideration given or contracted to be given for the purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to paragraph 30 of subdivision (a) of section 1115 of the New York Tax Law during the periods commencing August 26, 2003, and ending September 1, 2003, and commencing January 26, 2004, and ending February 1, 2004, shall also be exempt during such periods from sales and compensating use taxes imposed in this jurisdiction.

SECTION TWO: This resolution shall take effect June 1, 2003, and shall apply during the applicable exemption periods in accordance with the applicable transitional provisions of Article 29 of the New York Tax Law, provided that this resolution shall expire May 31, 2004, and be deemed repealed.

Fiscal Impact: To be determined.

MR. RANZENHOFER moved to amend the resolution. MS. CHASE seconded.

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CARRIED UNANIMOUSLY.

DELETE the SPONSORSHIP, TITLE and the RESOLUTION in its ENTIRETY and REPLACE with the following :

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS LARSON, SWANICK, RANZENHOFER, CHASE, WEINSTEIN, MCCARVILLE, CUSACK, FALKNER, HOLT, KUWIK, SCHROEDER, FISHER, DALE, DEBENEDETTI, SMITH, DUSZA & MARINELLI

RESOLUTION

of the

Legislature of the county of Erie, electing temporary exemptions from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, certain clothing and footwear.

Be it enacted by legislature of the county of Erie, as follows:

SECTION ONE: Section six of a Resolution enacted July 27, 1965, enacting sales and compensating use taxes, as amended, is amended by adding a new subdivision (i) to read as follows:

(i) Receipts from sales of and consideration given or contracted to be given for purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to paragraph (30) of subdivision (a) of section 1115 of the New York Tax Law during the periods commencing August 26, 2003, and ending September 1, 2003, and commencing January 26, 2004, and ending February 1, 2004, shall also be exempt during such periods from sales and compensating use taxes imposed by this resolution.

SECTION TWO: This resolution shall take effect June 1, 2003, and shall apply during the applicable exemption periods in accordance with the applicable transitional provisions of Article 29 of the New York Tax Law; provided that this resolution and subdivision (i) of section six of a Resolution enacted July 27, 1965, enacting sales and compensating use taxes, as added by section one of this resolution, shall expire May 31, 2004, and be deemed repealed.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 3 – Minutes of the previous meeting were tabled.

MISCELLANEOUS RESOLUTIONS

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Item 4 – MS. CHASE presented a resolution Honoring Sharon Trembath for her Receipt of the 2003 Paul MacClennan Environmental Citizen of the Year Award. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. CHASE presented a resolution Recognizing the 40th Anniversary of the Eden Corn Festival. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. CHASE presented a resolution In Memory of Eden Resident & Eden Library Architect Warren Witting. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. MARINELLI presented a resolution In Memory of Carol Hoyt. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. FISHER & MS. MARINELLI presented a resolution Honoring Gretchen & Tom Toles Upon Receiving the First Frederick Law Olmsted Award from Olmsted Parks Conservancy. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. SCHROEDER presented a resolution Congratulating Reverend Monsignor S. Theodore Berg, ED.D for his Dedicated Service to St. Teresa's Roman Catholic Church & Community. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. MARINELLI presented a resolution In Honor of Doreen Woods Upon Being Named One of Fifty Movers & Shakers 2003 in United States & Canada by the Prestigious Library Journal. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. DALE presented a resolution Honoring the Polish American Veterans Association for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

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GRANTED.

Comm. 14MIS-8 From LEGISLATOR DALE Re: Honoring the Polish American Veterans Association for its Dedication & Various Contributions to the Community.

Item 12 – MR. DALE presented a resolution Honoring the Broadway Market for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-9 From LEGISLATOR DALE Re: Honoring the Broadway Market for its Dedication & Various Contributions to the Community.

Item 13 – MR. DALE presented a resolution Honoring the Newburgh Coalition for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-10 From LEGISLATOR DALE Re: Honoring the Newburgh Coalition for its Dedication & Various Contributions to the Community.

Item 14 – MR. DALE presented a resolution Honoring Cedargrove Youth Group for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-11 From LEGISLATOR DALE Re: Honoring the Cedargrove Youth Group for its Dedication & Various Contributions to the Community.

Item 15 – MR. DALE presented a resolution Honoring B.E.S.T. for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

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CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-12 From LEGISLATOR DALE Re: Honoring B.E.S.T. for its Dedication & Various Contributions to the Community.

Item 16 – MR. DALE presented a resolution Honoring the Boys & Girls Club of Buffalo for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-13 From LEGISLATOR DALE Re: Honoring the Boys & Girls Club of Buffalo for its Dedication & Various Contributions to the Community.

Item 17 – MR. DALE presented a resolution Honoring Ulinski Senior Center for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-14 From LEGISLATOR DALE Re: Honoring Ulinski Senior Center for its Dedication & Various Contributions to the Community.

Item 18 – MR. DALE presented a resolution Honoring Lincoln Senior Center for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-15 From LEGISLATOR DALE Re: Honoring Lincoln Senior Center for its Dedication & Various Contributions to the Community.

Item 19 – MR. DALE presented a resolution Honoring Schiller Park Senior Center for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

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CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-16 From LEGISLATOR DALE Re: Honoring Schiller Park Senior Center for its Dedication & Various Contributions to the Community.

Item 20 – MR. DALE presented a resolution Honoring the Neighborhood Information Center for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-17 From LEGISLATOR DALE Re: Honoring the Neighborhood Information Center for its Dedication & Various Contributions to the Community.

Item 21 – MR. DALE presented a resolution Honoring the Village of Sloan for its Dedication & Various Contributions to the Community. MR. HOLT seconded.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 14MIS-18 From LEGISLATOR DALE Re: Honoring the Village of Sloan for its Dedication & Various Contributions to the Community.

Item 22 – MR. LARSON, MR. SWANICK, MR. DUSZA & MAJORITY CAUCUS presented a resolution Honoring the American Heroes Association for their Continued Dedication in Promoting the Military & Civilian Heroes of the United States of America & for their Support of the Matt Urban Project. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 23 – MR. SCHROEDER & MR. DUSZA presented a resolution Honoring Korean War Veterans. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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LOCAL LAWS

Item 24 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 25 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 26 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 27 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 28 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

Item 29 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 30 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 31 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2003 remain on the table.

Item 33 – MR. RANZENHOFER presented the following Local Law and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
LOCAL LAW INTRO. NO. 12-2003
LOCAL LAW NO. _____

A LOCAL LAW amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, changing the name of the Erie County Medical Center to the University Medical Center at the Erie County Medical Campus.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE, AS FOLLOWS:

Section 1. Paragraph C of subdivision two of section sixteen hundred and two of Article XVI of the Erie County Charter, being Local Law No. 1-1959, as amended, is hereby amended by enacting a new subparagraph fifteen as follows:

15. The Erie County Medical Center shall be known henceforth as the University Medical Center at the Erie County Medical Campus. Whenever the terms "Erie County Medical Center" or "medical center" are used in reference to the Erie County Medical Center, or any variations of these terms appear in this charter, Erie County administrative code, or in any other statute, local law or ordinance, they shall be deemed to apply to the University Medical Center at the Erie County Medical Campus.

Section 2. This local law shall take effect upon (i) filing with the Secretary of State pursuant to Municipal Home Rule Law §27, and (ii) receipt of necessary approvals from any and all federal or state regulatory agencies.

BARRY A. WEINSTEIN

CHARLES M. SWANICK

MICHAEL H. RANZENHOFER

DALE W. LARSON

JEANNE Z. CHASE

STEVEN P. McCARVILLE

ELISE M. CUSACK

GREGORY P. FALKNER

MR. RANZENHOFER moved the approval of the Local Law. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 34 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 477

July 7, 2003

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT. CHAIRMAN SWANICK
PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

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|----|--|------|-------|----------------|
| | Item | Page | -2002 | (Comm. 19E-4) |
| a. | SWANICK, FISHER & SCHROEDER: Copy of Letter to County Executive Re: Request for Information Concerning Reserve Accounts & Application of Medicaid Savings from State. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 12D-6) |
| b. | BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for Period Ending 4/30/03. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 12E-8) |
| c. | SWANICK: Copy of Letter to NYS Comptroller Re: Appointments to Buffalo Oversight & Recovery Board. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 12E-11) |
| d. | COMPTROLLER: Projects to be Financed from 6/23/03 Bond Sale. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 12E-12) |
| e. | LARSON: RAN Set Aside Bank Account – Immediate Consideration Request for 6/19/03. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 13E-3) |
| f. | SWANICK: Copy of Letter to Governor Pataki Re: Appointments to Buffalo Fiscal Stability Authority. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 13E-6) |
| g. | COMPTROLLER: Apportionment & Distribution of 4% Sales Tax for 6/03. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member. | | | |

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| | Item | Page | -2003 | (Comm. 13M-8) |
| h. | AUDIT COMMITTEE FOR ERIE COUNTY: 2002 Annual Report. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member. | | | |

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|----|--------------------------|------|-------|----------------|
| 2. | Item | Page | -2003 | (Comm. 13E-11) |
| | COMPTROLLER | | | |
| | RESOLUTION NO. ____-2003 | | | |

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF EXISTING COURTHOUSE BUILDINGS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$58,807,000, APPROPRIATING \$63,000 THEREFOR IN ADDITION TO \$58,744,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$63,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$58,744,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) June 30, 2003

(Adopted) _____, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 410-164, consisting of the partial reconstruction of existing County Courthouse Buildings. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$58,807,000, and \$63,000 is hereby appropriated therefor, in addition to the \$58,744,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2000 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the issuance of \$63,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$1,140,000 bonds previously authorized therefor pursuant to Resolution No. 121 of 2003 adopted on April 3, 2003, in addition to the \$12,981,000 bonds previously authorized therefor pursuant to Resolution No. 284-2002 adopted on June 20, 2002, in addition to the \$20,188,000 bonds previously authorized therefor pursuant to

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Resolution No. 280-2001 adopted on June 21, 2001 and the \$24,435,000 bonds previously authorized therefor pursuant to Resolution No. 135-2000 adopted on April 13, 2000, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$63,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 3. The buildings to be reconstructed are of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$63,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.12 (a)(1) of the Law, is twenty (20) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds

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shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

3. Item Page -2003 (Comm. 13E-12)

COMPTROLLER

RESOLUTION NO. ____-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ACQUISITION OF LAND AND THE CONSTRUCTION OF A NEW CENTRAL POLICE SERVICES TRAINING FACILITY THEREON; STATING THE ESTIMATED TOTAL COST THEREOF IS \$25,189,000, APPROPRIATING \$189,000 THEREFOR IN ADDITION TO \$25,000,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$189,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$25,000,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

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(Introduced) June 30, 2003

(Adopted) _____, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 410-341, consisting of (i) the acquisition of a 1.6 acre parcel of land situate at 372 Michigan Avenue between South and North Division Streets, at the estimated maximum cost of \$1,150,000 and (ii) the construction of a new Central Police Services Training Facility thereon, including all of the original equipment, furnishings, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith, at the estimated maximum cost of \$24,039,000. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$25,189,000, and \$189,000 is hereby appropriated therefor, in addition to the \$25,000,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2002 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the issuance of \$189,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$25,000,000 bonds previously authorized therefor pursuant to Resolution No. 338-2002 adopted on July 18, 2002, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific object or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$189,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The building to be constructed will be of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$189,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.11 (a) of the Law, is thirty (30) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably

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expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

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4. Item Page -2003 (Comm. 13E-13)

COMPTROLLER

RESOLUTION NO. _____ OF 2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE CONSTRUCTION OF THE ERIE COUNTY SECURE YOUTH DETENTION FACILITY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,063,000, APPROPRIATING \$63,000 THEREFOR IN ADDITION TO \$16,000,000 PREVIOUSLY APPROPRIATED THEREFOR, WHICH PREVIOUS APPROPRIATION INCLUDED THE EXPENDITURE OF \$1,000,000 COUNTY FUNDS CURRENTLY AVAILABLE THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$63,000 BONDS OF THE COUNTY TO PAY THE BALANCE OF THE COST THEREOF, IN ADDITION TO \$15,000,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) June 30, 2003

(Adopted) _____, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 410-806, consisting of the construction of the Erie County Secure Youth Detention Facility on East Ferry Street in the city of Buffalo, and all of the original equipment, furnishings, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$16,063,000, and \$63,000 is hereby appropriated therefor, in addition to the \$16,000,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2001 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the expenditure of \$1,000,000 County current funds, the issuance of \$63,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$15,000,000 bonds previously authorized therefor pursuant to Resolution No. 281 of 2001 adopted on June 21, 2001, and Resolution No. 120 of 2002 adopted on March 21, 2002 and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$63,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The building to be constructed will be of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$63,000 bonds herein authorized are to be issued within the limitations of said Section 11.00 a. 11(a) of the Law, is thirty (30) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 13E-14)

COMPTROLLER

RESOLUTION NO. ____-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS IMPROVEMENTS TO THE CENTRAL LIBRARY TO IMPLEMENT ENERGY SAVING FACILITY IMPROVEMENT MEASURES; STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,088,000, APPROPRIATING \$63,000 THEREFOR IN ADDITION TO \$1,025,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$63,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$1,025,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR.

(Introduced) June 30, 2003

(Adopted) _____, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 490-339, consisting of the construction of various improvements to the Central Library to implement Energy Saving Facility Improvement Measures,

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including but not limited to (i) retrofitting of lighting, (ii) installation of variable speed drives on hot water pumps and cooling tower fan, (iii) replacement of supply and return fan motors with high efficiency motors, (iv) conversion of constant air volume systems to variable air volume systems and (v) upgrading of the Library's energy management system. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,088,000, and \$63,000 is hereby appropriated therefor, in addition to the \$1,025,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2002 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the issuance of \$63,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$1,025,000 bonds previously authorized therefor pursuant to Resolution No. 289-2002 adopted on July 11, 2002, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$63,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$63,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 13 of the Law, is ten (10) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by

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§52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 13E-15)

COMPTROLLER

RESOLUTION NO. __-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001, TO PROVIDE FOR ADDITIONAL FUNDS FOR THE DESIGN OF THE RECONSTRUCTION FOR VARIOUS COUNTY ROADS

(Introduced) June 30, 2003

(Adopted) _____, 2003

Recitals

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WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2001 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on April 5, 2001, and amended on November 8, 2001, March 21, 2002, September 19, 2002 and May 22, 2003 and hereinafter referred to;
and

WHEREAS, it is now necessary to provide (i) \$54,450 additional County funds for the design for Maple Road and (ii) \$12,350 additional County funds for the design for North French Road;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK
(by the favorable vote of not less than two-thirds of all members of said Legislature) AS
FOLLOWS:

SECTION (A) Section 1. Row 16 column B of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 which states "\$420,000" is hereby amended to state "\$1,509,000."

Section 2. Row 16 column C of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$21,000" is hereby amended to state "\$75,450." Bonds of the County in the principal amount of \$54,450 are hereby authorized to be issued, in addition to \$21,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. Row 16 column D of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$399,000" is hereby amended to state "\$1,433,550."

Section 4. Row 18 column B of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 which states "\$191,000" is hereby amended to state "\$438,000."

Section 5. Row 18 column C of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$9,550" is hereby amended to state "\$21,900." Bonds of the County in the principal amount of \$12,350 are hereby authorized to be issued, in addition to \$9,550 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 6. Row 18 column D of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$181,450" is hereby amended to state "\$416,100."

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Section 7. Resolution No. 152-2001 of said County duly adopted by the Legislature on April 5, 2001 and amended November 8, 2001, amended March 21, 2002, September 19, 2002 and May 22, 2003 entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2001 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$ 44,593,116, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$ 5,007,700 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND THE EXPENDITURE OF \$2,600,000 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE; AND AUTHORIZING THE ISSUANCE OF \$ 36,985,416 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR THE EXPENDITURE OF COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

is hereby amended to read as follows:

BOND RESOLUTION DATED _____, 2003, AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001 AND AMENDED NOVEMBER 8, 2001, AMENDED MARCH 21, 2002, SEPTEMBER 19, 2002, AND MAY 22, 2003.

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2001 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$ 45,929,116, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$ 6,276,900 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND THE EXPENDITURE OF \$2,600,000 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE; AND AUTHORIZING THE ISSUANCE OF \$ 37,052,216 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR THE EXPENDITURE OF COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS."

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SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

7. Item Page -2003 (Comm. 13E-16)

COMPTROLLER

RESOLUTION NO. _____ -2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED MAY 8, 2003, TO PROVIDE FOR ADDITIONAL FUNDS FOR THE RECONSTRUCTION OF VARIOUS COUNTY PARK FACILITIES

(Introduced) June 30, 2003

(Adopted) _____, 2003

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2003 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on May 8, 2003 and hereinafter referred to; and

WHEREAS, it is now necessary to provide \$250,000 additional County funds for the reconstruction of various County park facilities, including lodges, shelter houses and pole barns and the salaries pertaining thereto;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

SECTION (A) Section 1. Row 28 column B of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 which states "\$250,000" is hereby amended to state "\$500,000."

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Section 2. Row 28 column C of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 stating "\$250,000" is hereby amended to state "\$500,000." Bonds of the County in the principal amount of \$250,000 are hereby authorized to be issued, in addition to \$250,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. Row 28 column G of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 stating "renovation of various park facilities, including but not limited to garage doors, windows, roofs, fences, electrical services and use of consultants as needed" is hereby amended to state " renovation of various park facilities, including but not limited to garage doors, windows, roofs, fences, electrical services, lodges, shelter houses and pole barns and salaries pertaining thereto and use of consultants as needed."

Section 4. Resolution No. 148-2003 of said County duly adopted by the Legislature on May 8, 2003 entitled:

" BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$45,356,757, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$41,736,757 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS,"

is hereby amended to read as follows:

" BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$45,606,757, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$41,986,757 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS."

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

8. Item Page -2003 (Comm. 13E-17)

COMPTROLLER

RESOLUTION NO. ____-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING IMPROVEMENTS TO VARIOUS COUNTY FACILITIES TO IMPLEMENT ENERGY SAVING FACILITY IMPROVEMENT MEASURES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) June 30, 2003

(Adopted) _____, 2003

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to construct improvements to the Erie County Holding Center, the Erie County Correctional Facility and Erie County Medical Facilities at 1500 Broadway and 608 William Street to implement Energy Saving Facility Improvement Measures, including but not limited to (i) retrofitting of lighting and controls, (ii) installation of premium efficiency motors – Glycol pumps, (iii) installation of variable speed drives on premium efficiency motors – glycol pumps 1 & 1A, AHU fans, (iv) installation of water-cooled air conditioning units and various other cooling equipment, (v)

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installation of steam traps and nightsetbacks, (vi) installation of various weatherization devices to reduce air infiltration and exfiltration, (vii) installation of variable frequency drives on cooling tower fans and condenser water pumps, (viii) replacement of fire alarm systems, (ix) installation of new energy management systems, (x) installation of electric humidifiers with atomization systems, and, (xi) installation of energy management systems on kitchen ventilation AHU's. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,500,000, and said amount is hereby appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$3,500,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$3,500,000 are hereby authorized to be issued for the class of objects or purposes described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$3,500,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 13 of the Law, is ten (10) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by

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§52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

**DALE W. LARSON
CHAIRMAN**

MR. LARSON moved to separate items #2, #3, #4, #5, #6, #7 & #8 and moved the balance of the report. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #2. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #3. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #4. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #5. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #6. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #7. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

MR. LARSON moved the approval of item #8. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DeBENEDETTI.

CARRIED. (WEIGHTED VOTE: 16.041 – 0.959)

Item 35 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 478

July 7, 2003

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

1. Item Page -2003 (Comm. 13E-21)

COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Rehabilitation (Multi Course Overlay) of North French Road (CR 299) from Sweet Home Road (CR 301) to NY Route 78, Transit Road, in the Town of Amherst, Erie County, PIN 5755.82 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-V1) Phase of the Project, PIN 5755.82.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

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RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-V1) Phase of the project or portions thereof, and be it further

RESOLVED, that a sum of \$88,000 is hereby appropriated from the 2001 Federal Aid Road & Bridge Projects Program (SFG 420-210) and made available to cover the cost of participation in the above phase of the project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-V1) Phase exceeds the amount appropriated above \$88,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-V1) Phase exceeds \$438,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

2. Item Page -2003 (Comm. 13E-22)
 COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Reconstruction of Maple Road, CR 192, from US Rte 62, Niagara Falls Boulevard to Flint Road in the Town of Amherst, Erie County, PIN 5755.47 (the "Project") is eligible for funding under Title 23, U.S. Code as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

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WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of non-Federal share of the costs the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project, PIN 5755.47.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject Project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) Phase of the project or portions thereof, and be it further

RESOLVED, that the sum of \$302,000 is hereby appropriated from the 2001 Federal Aid Road & Bridge Projects Program (SFG 420-208) and made available to cover the cost of participation in the above phase of the project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) Phase exceeds the amount appropriated above \$302,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) Phase exceeds \$1,509,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, one copy to the Commissioner of Public Works, and one copy to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

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3. Item Page -2003 (Comm. 13E-23)

COUNTY EXECUTIVE

WHEREAS, a project for the replacement of the Zoeller Road Bridge (BR 348-2) over Ellicott Creek, BIN 3-32870-0, in the Town of Alden, Erie County, PIN 5755.91 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the Project, PIN 5755.91.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature hereby approves the above subject project, and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$190,000 is hereby appropriated from the 2002 Federal Aid Road and Bridge Projects Program (SFG 420-329), in addition to \$288,000 previously appropriated for the project's of Preliminary Engineering (Scoping and Design I-VI) and Right of Way Incidentals Phases via County Resolution No. 14E-20 (H) adopted July 6, 2000 and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated \$ 478,000 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds \$1,226,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

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RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

4. Item Page -2003 (Comm. 13E-26)

COUNTY EXECUTIVE

WHEREAS, the Dunn Tire Park lease agreement between the Buffalo Bisons and Erie County designates the County as being responsible for capital improvement projects in the amount of \$1 million per year, over a five-year period, for a total of \$5 million, and

WHEREAS, your Honorable Body previously approved two \$1,000,000 projects for Dunn Tire Park Renovations for a total of \$2,000,000, and

WHEREAS, work at Dunn Tire Park this year consists of club level renovations, new picnic style bleacher entertainment areas, right field modifications, building sealant replacement and painting of the building exterior and concourse areas, and

WHEREAS, the Lease Agreement designates HOK, Sports Consultants, the Architect of record, and

WHEREAS, your Honorable Body previously authorized the County Executive to enter into an agreement with HOK, Sport Consultants on April 10, 2003, and

WHEREAS, the Department of Public Works received bids on June 16, 2003 for the Dunn Tire Park – 2003 – Sealant Replacement, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Dunn Tire Park – 2003 – Sealant Replacement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Dunn Tire Park – 2003 – Sealant Replacement as follows:

SEALANT WORK

Progressive Weatherproofing, Inc.

Base Bid \$675,000

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and be it further,

RESOLVED, that the sum of \$68,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to HOK, Sports Consultants for the Phase II and Phase III work in an amount not to exceed \$328,700, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2002 Dunn Tire Park account, Fund 441, Project 272, in the total amount, not to exceed \$328,700, and Fund 441, Project 381 not to exceed \$743,000, and be it further,

RESOLVED, that the 2003 Capital Budget is hereby amended by \$3,000,000 and funded by proceeds from the Tobacco Trust Account, and be it further,

RESOLVED, that the budgeted revenues and appropriations in the Dunn Tire Park Renovations Project (SFG #441-381) be proportionately increased to reflect this change, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 13E-33)

COUNTY EXECUTIVE

WHEREAS, your Honorable Body approved the 2003 Capital Budget for various projects, and

WHEREAS, your Honorable Body recently approved the bond authorization for the 2003 Budget, and

WHEREAS, your Honorable Body will soon be on summer recess and not available to approve resolutions, and

WHEREAS, your Honorable Body previously approved various Engineering firms for Engineering agreements to be issued on a project-by-project basis, and

WHEREAS, in order to permit a more timely execution of the 2003 Capital Program, your Honorable Body previously allowed the Commissioner of Public Works to assign various consultants to these projects and negotiate a not-to-exceed fees for necessary engineering services, and

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WHEREAS, the majority of these projects will be bid and ready for award of construction contracts to various responsible low bidders in the next few months, and

WHEREAS, your Honorable Body will be on summer recess during the period when it will be necessary to award this work to complete projects this construction season, and

WHEREAS, funds for these projects will be taken from the appropriate Capital Bond Fund Accounts pending all necessary SEQR approvals and bond authorization of these funds and from the \$30,000,000 in tobacco proceeds previously identified in the 2003 Erie County Executive's Budget Message and Summary (of which \$18 million remains unallocated).

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to recommend construction contracts to the County Executive and thereafter to enter into agreements and contracts as necessary to advance the 2003 Program within the approved budget funding limits established, and be it further

RESOLVED, that the Commissioner of Public Works will inform the Erie County Legislature, for information only, as to what consultant and/or contractor was selected for each project and the cost associated with the particular project, and be it further

RESOLVED, that the funds be taken from the appropriate capital bond accounts pending necessary SEQR approvals and bond authorization and from the tobacco proceeds previously identified in the 2003 Erie County Executive's Budget Message and Summary, and be it further

RESOLVED, that three certified copies of this resolution be sent to the Deputy Commissioner - Highways, Department of Public Works and one copy each to the Commissioner of Public Works, the Comptroller's Office; and to the Division of Budget, Management & Finance. (6-0) Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 13E-34)

COUNTY EXECUTIVE

WHEREAS, it is important that the 2003 Program continues to advance in an expeditious manner, and

WHEREAS, the approved Erie County Budget contains funds for the 2003 Culvert Design – Various Locations (Countywide) which was also just recently approved in a bond authorization resolution, and

WHEREAS, in order to advance this work, we will need to assign the design work to an engineering consultant, and

WHEREAS, the engineering consultant firm of Nussbaumer and Clarke has the necessary expertise to perform this work.

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NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized and is hereby directed to execute a contract in an amount not to exceed \$300,000.00 (SFG 420-353) for Culvert Design and miscellaneous other work, between the County of Erie and the firm of Nussbaumer and Clarke, and be it further

RESOLVED, that the funding for this work be from the 2003 Culvert Design bond account (SFG 420-353), and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy each to the Commissioner of Public Works, the County Attorney, and to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

7. Item Page -2003 (Comm. 13E-39)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works has determined a need for implementation of electronic construction bid documents, and

WHEREAS, the Department of Public Works has identified three strong reasons for migrating all bid documents to electronic formats where CD ROMs and websites become the distribution medium: 1.) Bidding that is more competitive brought about by wider distribution of bidding opportunity; 2.) Faster distribution of bid documents and addenda; and 3.) Savings in printing and mailing costs, and

WHEREAS, the Commissioner of Public Works has determined to facilitate all construction bidding with electronic construction bid documents, electronic construction bid documents will be available online and/or on CD ROM, to implement this important project, Erie County is prepared to retain a Consultant to provide Project Management and Facilitation Services, and

WHEREAS, the Department of Public Works recently advertised for Requests for Qualifications for the purpose of providing electronic construction bid documents for numerous projects selecting the firm of ACEN, Inc. as having the necessary expertise, experience and manpower to provide the County of Erie with the services required,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with ACEN, Inc. to provide implementation services for miscellaneous construction projects, and be it further,

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RESOLVED, that the cost for the implementation be charged to the Architect/Engineer Consultants reimbursables on a project-by-project basis, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Comptroller's Office; and one copy to the Division of Budget Management & Finance.

(6-0) Chairman Swanick present as Ex-Officio Member.

8. Item Page -2003 (Comm. 13E-40)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Chestnut Ridge Waterline, Phase II, Project on June 21, 1999, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Fairway Construction Co., in the amount of \$234,999.00, and

WHEREAS, unforeseen replacement to various septic systems in the Erie County Parks are necessary,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$70,000, with authorization for the Commissioner of Public Works to approve change orders, not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Donald Gallo, P.E. for additional design and construction site inspections for an amount not to exceed \$22,000, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Project 293, Fund 410, in the amount of \$92,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Department of Parks & Recreation; one copy to the Office of the Comptroller; and one copy to the Division of Budget Management & Finance.

(6-0) Chairman Swanick present as Ex-Officio Member.

9. Item Page -2003 (Comm. 13E-41)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 10, 2003 for the New School 84 Roof Renovations, and

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WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for New School 84 Roof Renovations as follows:

ROOFING WORK

Jameson Roofing

Base Bid \$333,970.00

Alternate Bid #1 \$ 20,260.00

Total \$354,230.00

and be it further,

RESOLVED, that the sum of \$30,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following: Project 296, Fund 410 in the amount of \$386,230 (FEMA money was added to this SFG project), and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

10. Item Page -2003 (Comm. 13E-42)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 11, 2003, for the Buffalo & Erie County Central Library – Fire Protection and Domestic Water Service, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

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RESOLVED, that the County Executive be authorized to enter into a contract for Buffalo & Erie County Central Library – Fire Protection and Domestic Water Service as follows:

FIRE PROTECTION WORK

Davis-Ulmer Sprinkler Co., Inc.

Base Bid

\$122,800.00

and be it further,

RESOLVED, that the sum of \$20,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$8,000.00 be allocated for testing and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from Project 326, Fund 490, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Buffalo & Erie County Public Library.

(6-0) Chairman Swanick present as Ex-Officio Member.

11. Item Page -2003 (Comm. 13E-43)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 10, 2003, for the Roof & Masonry Restoration at the Clarence Maintenance Garage, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Roof and Masonry Restoration at the Clarence Maintenance Garage as follows:

ROOFING WORK

MGR Constructors, Inc.

Base Bid

\$184,400.00

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Alternate Bid #1	\$ 29,100.00
Alternate Bid #2	<u>\$ 8,500.00</u>
Total	\$222,000.00

and be it further,

RESOLVED, that the sum of \$25,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the sum of \$30,000 be allocated for additional Architectural/Engineering Services to Stievater & Associates for 2003 Roof & Waterproofing Services, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following: 2003 Roofing, Project 399, Fund 410 in the amount of \$210,000 and Project 290, Fund 410, in the amount of \$69,000, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

12. Item Page -2003 (Comm. 13E-45)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 19, 2003 for the Erie Community College, Vehicle Technology Building Roof Replacement project, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with for the Erie Community College, South Campus, Vehicle Technology Building Roof Replacement project as follows:

ROOFING CONTRACT

Jameson Roofing Co., Inc.

Base Bid	\$225,800.00
Alternate Bid R1	\$ 15,100.00
Alternate Bid R2	\$ 12,400.00

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Alternate Bid R3	\$ <u>670.00</u>
Total	\$253,970.00

and be it further,

RESOLVED, that the sum of \$30,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$30,000 be allocated for technical construction inspections for the above mentioned project, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from Project 399, Fund 410, in the amount of \$313,970, and be it further,

RESOLVED, that the project estimated revenues and appropriations for State Aid be increased by \$156,985, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to Erie Community College.
(6-0) Chairman Swanick present as Ex-Officio Member.

13. Item Page -2003 (Comm. 13E-46)

COUNTY EXECUTIVE

WHEREAS, the 2003 capital budget contains funding for Erie County Parks & Recreation Master Plan Improvements, and

WHEREAS, the firm of Caley & Co. Architects is already engaged by the Department of Public Works under an Architect/Engineer contract, and

WHEREAS, on May 24, 2001, your Honorable Body authorized the County Executive to enter into a General Architectural/Engineering Contract covering services for miscellaneous County projects with Caley & Co. Architects, and

WHEREAS, it is now also desired to start design of 2003 renovations so this project can be bid in 2003,

NOW, THEREFORE, BE IT,

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RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Caley & Co. Architects to prepare contract documents and provide inspection services for the Erie County Parks & Recreation improvements, and be it further,

RESOLVED, that the total amount paid for consulting services shall be in an amount, not to exceed \$75,000, including reimbursables, and be it further,

RESOLVED, that the fee allocation be taken from Project 445, Fund 441, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller and one copy to the Department of Parks & Recreation. (6-0) Chairman Swanick present as Ex-Officio Member.

14. Item Page -2003 (Comm. 13E-47)

COUNTY EXECUTIVE

WHEREAS, in Comm. No. 12E-20 [c], dated July 5, 2001, authorization was received to enter into contract with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, including assigning the Erie County Correctional Facility, the Erie County Holding Center, 1500 Broadway, and 608 William Street to Siemens Building Technologies, Inc, and

WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, reasonable Energy Conservation Measures were found during the preliminary energy audit and a construction program is proposed, and

WHEREAS, the cost of the construction to implement the Energy Conservation Measures is estimated at approximately \$2,850,000 with energy savings estimated at an average of almost \$250,000 per year over the fifteen-year program, and

WHEREAS, the Commissioner of Public Works recommends acceptance of the program and the construction be implemented,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractor, Siemens Building Technologies, to perform the Energy Conservation Measures Program derived from their preliminary energy audit pending approval of the bond resolution presently before your Honorable Body, and be it further,

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RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Division of Budget Management & Finance, and the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

15. Item Page -2003 (Comm. 13E-48)
 COUNTY EXECUTIVE

WHEREAS, the 2003 Road/Bridge and Culvert Program, along with the Federal Aid Program, is the largest in the history of the Department of Public Works, and

WHEREAS, the Commissioner of Public Works, Division of Highways, needs to advance various agreements with the New York State Department of Transportation and local municipalities for the purpose of design, construction, right-of-way acquisition, or accepting funding on the numerous ongoing projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into various agreements, as necessary, with the New York State Department of Transportation or with local municipalities for the purpose of advancing design, construction, right-of-way acquisition, or accepting funding on various projects, and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Deputy Commissioner, Highways, and one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

16. Item Page -2003 (Comm. 13E-50)
 COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the New Secure Youth Detention Facility on April 11, 2002 and June 14, 2002, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in the amount of \$11,564,788, and

WHEREAS, to progress the work, a watertight roof vapor barrier material enclosure was required during late fall construction and other miscellaneous unforeseen conditions occurred, and

WHEREAS, the additional work was necessary to continue interior construction during the winter months, and

WHEREAS, the construction contingency fund needs to be reimbursed for the cost of this work,

NOW, THEREFORE, BE IT,

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RESOLVED, that the construction contingency fund be increased by \$165,000 to a new total amount of \$747,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Urban Engineers, Inc. (formerly Olson & Terzian, P.C.) for additional site design work to complete the project in an amount of \$70,000, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Ciminelli-Cowper for additional reimbursables to complete the project in the amount of \$35,000, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the New Secure Youth Detention Facility, Project 806, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Comptroller's Office; and one copy to Budget Management & Finance.

(6-0) Chairman Swanick present as Ex-Officio Member.

17. Item Page -2003 (Comm. 13E-51)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works has a General Architectural/Engineering Agreement with the firm of Urban Engineers (formerly Olson & Terzian, P.C.) for providing architectural and engineering services, and

WHEREAS, a new addition to the Fire Training Academy was recently completed, and

WHEREAS, renovations to the existing parking lot, lighting and security improvements and sitework is now required,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Urban Engineers' General Engineering Agreement for providing engineering services for an amount not to exceed \$35,000, including reimbursables, and be it further,

RESOLVED, that O'Connell Electric, the Phase I contractor, be issued a change order in the amount of \$50,000 to provide the lighting for the sitework renovations, and be it further,

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RESOLVED, that the existing contingency for Phase I be increased by \$50,000 to cover the cost for the site lighting, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from Project 260, Fund 441, in an amount not to exceed \$85,000, including reimbursables, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Comptroller's Office.

(6-0) Chairman Swanick present as Ex-Officio Member.

18. Item Page -2003 (Comm. 13E-52)

COUNTY EXECUTIVE

WHEREAS, bids will be taken for the Emery Park Waterline, and

WHEREAS, the Erie County Legislature will be in summer recess at the time of the bid opening, and

WHEREAS, it is essential to progress this work and take advantage of the best weather conditions in order to complete the project as soon as possible,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract with the lowest responsible bidder, in an amount not to exceed \$780,000, and be it further,

RESOLVED, that the construction contingency fund be allocated in the amount of \$47,000 with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Donald Gallo, P.E., for construction management services during the Construction Phase, for an amount not to exceed \$48,000, including reimbursables, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office is authorized to make payments from the following accounts:

2001 Emery Park Waterline, Project 201, Fund 410, in the amount of \$5,500

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2002 Emery Park Waterline, Project 303, Fund 410, in the amount of \$371,500

and 2003 Emery Park Waterline, Project 425, Fund 410, in the amount of \$500,000

and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Department of Parks & Recreation.

(6-0) Chairman Swanick present as Ex-Officio Member.

**MICHAEL H. RANZENHOFER
CHAIRMAN**

MR. RANZENHOFER moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 479

July 7, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DUSZA.

1. RESOLVED, that the following item is hereby received and filed.

a. Item Page -2003 (Comm. 13E-69)
COUNTY EXECUTIVE: Semi- Annual Attendance Records – Board of Managers Erie
County Sewer Districts.
(4-0) Legislator Dusza absent.

2. Item Page -2003 (Comm. 13E-20)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) and the Erie County Soil and Water Conservation District (ECSWCD) both operate Geographic Information Systems (GIS); and

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WHEREAS, both the ECDEP and the ECSWCD provide GIS services to local governments and agencies, and are in regular contact with local governments to discuss GIS issues; and

WHEREAS, to avoid duplication of services, it is most cost efficient for the ECDEP and ECSWCD to share a staff position for these GIS outreach programs,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the ECSWCD for \$32,000 to fund 50% of a GIS staff position for GIS Outreach Services at the ECSWCD; and be it further

RESOLVED, that the term of such agreement shall be for a period of one year; and be it further

RESOLVED, that the source of funds shall be \$32,000 available in the Regionalism/Economic Development Fund (DAC 110 9043038301299) which shall be transferred to Account 830-185, Erie County Soil and Water Conservation, in the Budget of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management and Finance, and the Director of the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052-2185).
(4-0) Legislator Dusza absent.

3. Item Page -2003 (Comm. 13E-32)

COUNTY EXECUTIVE

WHEREAS, The United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health; and

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the USEPA has identified Erie County and Western New York as a Zone 1 Radon Potential Area (highest risk); and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Awareness Program for over ten years and has acquired valuable experience and expertise; and

WHEREAS, the objective of this program is to reduce the health and safety risks associated with exposure to radon and other residential indoor air contaminants to the residents of Western New York; and

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WHEREAS, the NYSDOH has provided funding for the Erie County Radon/Indoor Air Quality Program for over ten years; and

WHEREAS, Erie County received notice of award of \$110,000 in grant funding through the State Indoor Radon Grant Program (SIRG 11); and

WHEREAS, the SIRG 11 grant budget provides funding for personal services and fringe benefits for a Junior Environmental Education Specialist, JG-7; and

WHEREAS, the implementation of the SIRG 11 Program requires the availability and sale of low-cost radon testing kits to the residents of Erie County; and

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the NYSDOH to accept a SIRG 11 grant of \$110,000 to continue the Erie County/Western New York Comprehensive Radon Risk Reduction Program; and be it further

RESOLVED, that the following position is hereby created in the Department of Environment and Planning to be funded from the Erie County/Western New York Comprehensive Radon Risk Reduction Program:

Junior Environmental Education Specialist (JG-7);

and be it further

RESOLVED, that all program revenues generated by the sale of radon testing kits shall periodically be re-appropriated to the Erie County radon program; and be it further

RESOLVED, that a SIRG 11 grant budget be established by the DEP as follows:

REVENUES:

593	State Aid – New York State	
	Department of Health	\$110,000
506	Minor Sales – Radon Testing Kits	<u>1,000</u>
	TOTAL REVENUE	\$111,000

APPROPRIATIONS:

800	Personal Services	\$ 84,000
805	Fringe Benefits	26,000

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814	Laboratory and Technical Supplies	<u>1,000</u>
	TOTAL	\$111,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(4-0) Legislator Dusza absent.

4. Item Page -2003 (Comm. 13E-36)

COUNTY EXECUTIVE

WHEREAS, The Town of Clarence, on behalf of the Town's Sewer District No. 9, has requested sanitary sewer service from Erie County Sewer District No. 5 (ECSD No. 5); and

WHEREAS, ECSD No. 5 has requested to tie its Sisters of Saint Joseph service area into Clarence Town District No. 9's facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed service agreement with Clarence Town Sewer District No. 9 and Erie County Sewer District No. 5 is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute a service agreement subject to approval as to form by the County Attorney, between Erie County Sewer District No. 5 and the Clarence Town Sewer District No. 9, and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Dusza absent.

5. Item Page -2003 (Comm. 13E-62)

COUNTY EXECUTIVE

WHEREAS, the Village of Blasdell has contracted for sanitary sewer service with the Erie County Southtowns Sewage Treatment Agency (Agency) and the County of Erie on behalf of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, an amendment to the intermunicipal agreements is necessary to correct the dates on which the Agency and ECSD No. 3 will assume payments of the Village's sewer debt; and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the Village of Blasdell to rebuild the Miller Avenue sewer when the Village reconstructs the road.

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NOW, THEREFORE, BE IT

RESOLVED, that amended intermunicipal agreements between the County, on behalf of Erie County Sewer District No. 3, the Erie County Southtowns Sewage Treatment Agency and the Village of Blasdell for the purpose of correcting the sewer debt repayment dates and the rebuilding of the Miller Avenue sanitary sewer is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to reimburse the Village of Blasdell an amount not to exceed \$120,000.00 from ECSD No. 3 Capital Account, Fund 430 Project 446 for the replacement of the Miller Avenue sanitary sewer subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and Ernest Jewett, Mayor, Village of Blasdell.
(4-0) Legislator Dusza absent.

6. Item Page -2003 (Comm. 13E-64)
 COUNTY EXECUTIVE

WHEREAS, the County of Erie has awarded Contract No. 28 STP "D" Electrical to Tunney Electric, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the final acceptance of Contract No. 28 STP "D" in the amount of \$38,264.00 which includes the Final Change Order, a decrease of \$8,000.00, and the processing of the retention payment in the amount of \$1,913.20.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 28 STP "D" Electrical between the County of Erie/Erie County Sewer District No. 6 and Tunney Electric, Inc., 8565 Roll Road, Clarence Center, New York 14032 be accepted in the amount of \$38,264.00 which includes the Final Change Order, a decrease of \$8,000.00; and be it further,

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RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Contract No. 28 STP "D" Electrical between the County of Erie /Erie County Sewer District No. 6 and Tunney Electric, Inc. in the amount of \$38,264.00 and make final payment in the amount of \$1,913.20 from Erie County Sewer District No.6 Bond Account Fund No.430, Project 914, and return the unused portion of \$8,000.00 to Unallocated; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and John Rizzo, Deputy Comptroller.

(4-0) Legislator Dusza absent.

7. Item Page -2003 (Comm. 13E-65)

COUNTY EXECUTIVE

WHEREAS, the Town of Hamburg and Erie County Sewer District No. 3 have projects planned which call for the installation of sanitary sewer lines along Big Tree Road in the Town of Hamburg; and

WHEREAS, both the Town and the Sewer District desire to consolidate their construction projects along Big Tree Road to alleviate inconvenience to the public and reduce costs to the taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Town of Hamburg for the purpose of constructing a sanitary sewerline along Big Tree Road which will suit the needs of both municipalities, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate a sum not to exceed \$50,000.00 from Sewer Capital Erie County Sewer District No. 3 Fund No. 430, Project No. 714; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.

(4-0) Legislator Dusza absent.

8. Item Page -2003 (Comm. 13E-70)

COUNTY EXECUTIVE

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WHEREAS, Erie County owns in excess of 1,600 acres of forestry lands in the Town of Sardinia; and

WHEREAS, Ardent Resources Incorporated, an oil and gas exploration company, has identified the Sardinia area as having high natural gas development potential; and

WHEREAS, Ardent Resources Incorporated has proposed its intent to drill for natural gas on private properties adjacent to the Erie County forestry lands with no effect on County lands; and

WHEREAS, Ardent Resources Incorporated has proposed entering into an agreement with Erie County to include the forestry lands in its land assemblage; and

WHEREAS, Ardent Resources Incorporated will be provided a three-year term to explore and prospect for natural gas, and in the event natural gas is discovered during this period, the agreement will allow Ardent Resources Incorporated the right to extract that gas through the economic life of the gas well(s) or twenty (20) years, whichever occurs first; and

WHEREAS, New York State law allows such mineral extraction to take place under a proportional method of royalty compensation to affected property owners; and

WHEREAS, Erie County has 1,600 acres that would be eligible for such royalty compensation over the life of the gas well,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Ardent Resources Incorporated for a three-year exploration period, and be it further

RESOLVED, that should natural gas be discovered during this period, to allow for the extraction of the gas through the economic life of the gas well(s) or twenty (20) years, whichever occurs first, and be it further

RESOLVED, that the County is authorized to accept royalty payments under the proportional distribution methodology with other affected property owners, and such other benefits as may be negotiated, provided, however, that such agreement shall not allow for placement of wells on County property, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Lawrence D. Jasinski, Commissioner of Parks and Recreation; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0) Legislator Dusza absent.

DALE W. LARSON

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE****CHAIRMAN**

MR. LARSON moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 37 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded

CARRIED UNANIMOUSLY.

RESOLUTION NO. 480

July 7, 2003

PUBLIC SAFETY
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DUSZA.

1. Item Page -2003 (Comm. 12E-28)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the United States Environmental Protection Agency to enhance the Erie County's Local Emergency Planning Committee (LEPC) activities, and

WHEREAS, a resolution (3E-36) was passed on February 24, 2003 for this purpose, and

WHEREAS, these funds will be used to enhance the Erie County Local Emergency Planning Committee's activities, and

WHEREAS, a large portion of the funds needs to be transferred from personnel line to a contractual line, and

WHEREAS, the funds on the contractual line will allow the Department of Emergency Services to contract with the media for advertising the activities of the Erie County Local Emergency Planning Committee (LEPC),

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to revise the grant from the United States Environmental Protection Agency, to allow the Department of Emergency Services to re-establish funding of a contractual line to allow the payment of media contractual costs to advertise and to update the Erie County Local Emergency Planning Committee's activities, and be it further

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RESOLVED, that the following budgetary transactions are authorized in order to revise the grant which will assist the Department of Emergency Services for the Erie County Local Emergency Planning Committee:

Department of Emergency Services
United States Environmental Protection Agency Grant

Revenue	Proposed Revision	New Total
SFG684 - Federal Aid – Other	<u>\$0</u>	<u>\$59,400</u>
TOTAL	<u>\$0</u>	<u>\$59,400</u>
Appropriations		
SFG800 – Personnel Costs	\$-15,000	\$ 5,000
SFG821 – Dues and Fees		10,000
SFG825 – Long Distance Travel		2,000
SFG826 – Other Expenditures		5,000
SFG830 – Contractual	\$+15,000	15,000
SFG933 – Lab and Technical Equipment		<u>22,400</u>
TOTAL		\$ 59,400

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the Department of Emergency Services.

(4-0) Legislator Dusza absent.

2. Item Page -2003 (Comm. 13E-24)

COUNTY EXECUTIVE

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing services to address the need of juveniles in the juvenile justice system and improve the quality of life in our community, and

WHEREAS, grant funds from the New York State Office of Children and Families will allow for enhancement of services to youth with mental health and substance abuse issues, and

WHEREAS, originally budgeted grant funds in the 2003 adopted budget of the Probation Department do not reflect the final state grant award,

NOW, THEREFORE, BE IT

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RESOLVED, that authorization is hereby provided for the County Executive to enter into contract with Child and Family Services of Erie County in the amount of \$31,450 for the time period of July 1, 2003 through December 31, 2003, and be it further

RESOLVED, that authorization is hereby provided to adjust the MH/JJ Grant to reflect the total appropriated amount of \$97,940.

**Grant Fund Probation – Project 836
Mental Health Juvenile Justice Diversion Grant**

Appropriation	Current Budget	Adjustment	Final Budget
Acct. 800 Personnel	\$53,439	(\$4,555)	\$48,884
Acct. 801 Overtime	0	2,000	2,000
Acct. 805 Fringe Benefits	14,445	(1,839)	12,606
Acct. 824 Travel & Mileage	616	(616)	0
Acct. 830 Contractual Child and Family Services	0	31,450	31,450
Acct. 826 Other Expenses	0	3,000	3,000
Total Appropriation	\$68,500	\$29,440	\$97,940
Revenue			
Acct. 568 State Aid	\$68,000	\$18,952	\$86,952
Acct. 686-2600 Interfund	500	10,488	10,988
Total Revenue	\$68,500	\$29,440	\$97,940

and be it further

RESOLVED, that funding for the interfund transfer is available within existing appropriations of the of the Probation Department, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Probation and Youth Detention Services, the Erie County Division of Purchase, the County Comptroller and the Division of Budget, Management and Finance.

(4-0) Legislator Dusza absent.

3. Item Page -2003 (Comm. 13E-29)

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing secure and non-secure detention services in Erie County, and

WHEREAS, the Department is currently working with the Department of Public Works to build a new state of the art Secure Detention Center on East Ferry Street in the City of Buffalo scheduled to open September 2003 which will have a Central Security and Control (CSU) unit to monitor all operations on cameras, and to control all doors and locks to entrances and exits throughout the facility, and

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WHEREAS, the CSU unit needs 6 full-time Security Officers, J.G. 5, and four part-time Security Officers, J.G. 5, to staff the operation on a twenty-four hour seven day a week basis, and

WHEREAS, funds are available in the existing 2003 Adopted Budget to fund these new positions, by deleting six full-time Youth Detention Workers, J.G. 6. This will result in a net savings in the personnel line.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to create six full-time Security Officers, J.G. 5, and four part-time Security Officers, J.G. 5, and also to delete six full-time Youth Detention Workers, J.G. 6, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Probation and Youth Detention Services, the Erie County Personnel Department, the County Comptroller, and the Division of Budget, Management and Finance.

(4-0) Legislator Dusza absent.

4. Item Page -2003 (Comm. 13E-31)

COUNTY EXECUTIVE

WHEREAS, the Departments of Probation, Central Police Services and Youth Services have been working together to establish a networked management information system to improve the coordination of services to youth, and

WHEREAS, grant funding will allow the deployment of a Probation Officer as a school-based Probation Officer so as to provide prompt intervention of juveniles in a non-traditional setting of a school environment, and

WHEREAS, an extension and reallocation of funds have been made available by the New York State Division of Criminal Justice Services (DCJS),

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby requested for the County Executive to extend the current contract to November 30, 2003 under the Juvenile Accountability Incentive Block Grant (JAIBG) Program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the following transfers are authorization to amend the budget of the JAIBG grant in the Departments of Probation to implement this program as follows:

Grant Fund
Department 260 – Probation
Juvenile Accountability Incentive Block Grant
September 1, 2002 to November 30, 2003

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Appropriation	From	Change	To
Acct. 800 – Personnel	\$51,271	(12,974)	\$38,297
Acct. 805 – Fringe Benefits	13,300	(2,968)	10,332
Acct. 810 – Office Supplies	500	1,000	1,500
Acct. 821 – Dues and Fees	500	2,000	2,500
Acct. 824 – Local Travel	875	200	1,075
Acct. 825 – Out of Area Travel	1,120	3,000	4,120
Acct. 933 – Lab and Technical Eqp.	<u>5,000</u>	<u>9,742</u>	<u>14,742</u>
Total Appropriation	\$72,566	0	\$ 72,566
Revenue			
Acct. 627 State Aid	\$65,696	0	\$65,696
Acct. 685 Interfund Revenue	<u>6,870</u>	<u>0</u>	<u>6,870</u>
	\$72,566	0	\$72,566

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Probation and Youth Detention Services.

(4-0) Legislator Dusza absent.

AS AMENDED

5. Item Page -2003 (Comm. 13E-35)
COUNTY EXECUTIVE

WHEREAS, personnel changes in the Central Police Services Training Academy are needed to improve the organizational structure that improves the delivery of services to the law enforcement community, and

WHEREAS, personnel changes in the Central Police Services Training Academy are needed to accommodate the paperwork associated with the increased number of trainings, the partnership with Erie Community College as well as the upcoming Precredentialing Program for prospective police officers,

NOW, THEREFORE, BE IT

RESOLVED, that the position of Copy Machine Operator, (Regular Part Time), Job Group 3 is established in the Department of Central Police Services' 2003 Budget, Fund 110 – Department 650, and be it further

RESOLVED, the position of Clerk Typist (Part Time), Job Group 1 is hereby deleted in the Department of Central Police Services, Fund 110 – Department 650, and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Division of Budget, Management and Finance, the Comptroller, the Department of Personnel, and the Department of Central Police Services.

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(4-0) Legislator Dusza absent.

6. Item Page -2003 (Comm. 13E-38)

COUNTY EXECUTIVE

WHEREAS, an agreement with L. Robert Kimball & Associates to provide consulting services for the Public Safety Campus project has been previously authorized by the Erie County Legislature, reference Comm. 1E-43; and

WHEREAS, \$334,935 to enter into this agreement is available in the E-911 Fund Balance Reserve; and

WHEREAS, Erie County has received \$1,141,664 from New York State under the Local Enhanced Wireless 911 Grant Program; and

WHEREAS, the County Executive requests that these funds be utilized to upgrade public safety communications in Erie County; and

WHEREAS, the County has previously committed to building a communications center as part of the Public Safety Campus project; and

WHEREAS, this facility is a critical component in upgrading the County's public safety communications network:

NOW, THEREFORE, BE IT

RESOLVED, that Revenues and Appropriations in project 410-306 Regional Public Safety Campus (Architectural and Engineering) be increased by \$334,935, the source of these funds being a transfer from the E-911 Fund Balance Reserve (account 230 965650285); and be it further

RESOLVED, that Revenues and Appropriations in project 410-341 Regional Public Safety Campus (construction) be increased by \$1,141,664, the source of these funds being the New York State Local Enhanced Wireless 911 Grant Program; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to the County Executive, Director of Budget, Management and Finance, Comptroller, Commissioner of Public Works and Commissioner of Central Police Services.

(4-0) Legislator Dusza absent.

**JEANNE Z. CHASE
CHAIRPERSON**

MS. CHASE moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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*** See Meeting 15 for further action on Comm. 13E-33.

Item 38 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 481

July 7, 2003

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

1. Item Page -2003 (Comm. 13D-7)
PERSONNEL

WHEREAS, the Erie County Personnel Department is responsible for the administration of unemployment insurance claims against the County, and

WHEREAS, the County of Erie is self-insured for such claims and must, therefore, be diligent in the review and challenging of improper claims to minimize unemployment, expenses and

WHEREAS, the Personnel Department wishes to continue to retain the services of a consultant at an annual cost of \$5,500 to assist department staff in the administration of Unemployment Insurance Cost Control program, and

WHEREAS, since the inception of our contract with Anthony Antoniadis, Business & Office Personnel, the County of Erie has saved a total of \$1,520,534.70.

WHEREAS, the Personnel Department believes this cost control program will allow the County to be more successful in the administration and challenging of unemployment insurance claims,

NOW, THEREFORE, BE IT

RESOLVED, that the County Personnel Department be authorized to retain an Unemployment Claims Consultant at an annual cost of \$5,500.

BE IT FURTHER,

RESOLVED, that certified copies of this resolution be forwarded to the County Executive Department, the Division of Budget, Management and Finance and the Department of Personnel.
(5-0)

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2. Item Page -2003 (Comm. 13E-72)

COUNTY EXECUTIVE

WHEREAS, In January 2003, the Department of Personnel submitted a grant request for over \$150,000.00 for safety training to the New York State Department of Labor Hazard Abatement Board (NYSDOL HAB) and on May 12, 2003, the Erie County Department of Personnel was notified that the grant request was approved in the amount of \$77,162.00, and

WHEREAS, in order to fulfill the requirements of the grant, Erie County needs to hire a consultant to perform the training that is experienced and approved by NYSDOL HAB, and

WHEREAS, RFP's were received for this work and Great Lakes Environmental was found to be the most qualified firm meeting the criteria, and

WHEREAS, the Commissioner of Personnel for Erie County recommends that the grant be accepted and a contract awarded to Great Lakes Environmental for \$77,162.00 to perform the training that is included in this grant,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the \$77,162.00 grant from NYSDOL HAB and authorizes a contract be entered into between New York State and Erie County in that regard, and be it further,

RESOLVED, that the Erie County Legislature hereby authorizes that a contract be issued to Great Lakes Environmental for \$77,162.00 to perform the training included in this grant, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Personnel, Office of the Manager of Workers Compensation; one copy to the Director of Budget Management and Finance; and one copy to the Office of the Comptroller.
(5-0)

3. Item Page -2003 (Comm. 13E-73)

COUNTY EXECUTIVE

WHEREAS, Erie County has completed construction of a Compressed Natural Gas (CNG) Refueling Station at the Erie County Medical Center; and

WHEREAS, the Station was built with funding from a Federal Congestion Mitigation and Air Quality (CMAQ) Improvement grant; and

WHEREAS, in order to efficiently utilize this facility and to meet the requirements of the CMAQ grant, it is necessary to make the Station available for use by other governmental agencies; and

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WHEREAS, the sale of fuel to outside governmental agencies will result in unanticipated revenue; and

WHEREAS, in order to purchase natural gas and procure maintenance services, the 2003 Fleet Services budget of the Division of Information and Support Services (DISS) requires revision of expense and revenue accounts,

NOW, THEREFORE, BE IT

RESOLVED, that the County is authorized to enter into the necessary agreements with outside governmental agencies to establish refueling accounts; and be it further

RESOLVED, that the unanticipated revenue from outside governmental agencies in the amount of \$58,500 is hereby appropriated to the DISS Fleet Services budget as follows:

SFG REVENUE	
487 – Other General Services-Other Governments (Sale of Compressed Natural Gas)	
	<u>\$58,500</u>
TOTAL REVENUE	\$58,500
SFG EXPENSES	
820 - Utility Charges	\$44,460
823 - Repairs and Maintenance	<u>14,040</u>
TOTAL EXPENSES	\$58,500

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of the Division of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Arthur J. Trellaak, Jr., Director of the Division of Information and Support Services; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

STEVEN P. McCARVILLE
CHAIRMAN

MR. McCARVILLE moved the approval of the resolution. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

Item 39 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE****RESOLUTION NO. 482**

July 7, 2003

HUMAN SERVICES
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

1. Item Page -2003 (Comm. 13E-25)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is seeking authorization to enter into a service contract with the Adult Education Division of the Buffalo Public Schools, and

WHEREAS, the contract will provide the collaborative implementation of a Distance Learning Initiative targeted to Temporary Assistance clientele in receipt of Food Stamps, and

WHEREAS, initiative components include English as a Second Language, Workplace Essential Skills and Math and English Literacy, and these components also contain elements that support parenting skills and job readiness and will serve to satisfy client 30-hour weekly Federal work participation requirements, and

WHEREAS, this program has the advantages of being a self-paced, in-home course of study so that additional expenses related to client daycare and transportation needs are avoided, and

WHEREAS, the local share for Distance Learning expenses will be funded by Employment Preparation Education (EPE) funding provided to the Department by the Adult Education Division of the Buffalo Public Schools 100% State funds, and

WHEREAS, there is no fiscal impact to the 2003 Adopted Budget resulting from this proposed resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Commissioner of Social Services are authorized to enter into a contact with and to accept Employment Preparation Education funds in the amount of \$77, 910 from the Adult Education Division of the Buffalo Public Schools, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2003 Adopted Budget:

Department of Social Services, Department 200, Fund 281, Project 827

INCREASE/

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<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>(DECREASE)</u>
447	Donated Funds	\$77,910
686-2000	Interfund Social Services	<u>(77,910)</u>
Total Revenues		<u>-0-</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
(5-0)

2. Item Page -2003 (Comm. 13E-53)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates a Tuberculosis Control Elimination Activities Program, and

WHEREAS, the Erie County Department of Health has received a revised grant award in the amount of \$236,676 for the enhancement of the Tuberculosis Elimination Activities Program by providing services to inmates at the Erie County Holding Center and Erie County correctional facilities, and to incoming refugees to provide directly observed therapy incentives to encourage patients to complete the course of treatment for TB infection, and

WHEREAS, the Erie County Department of Health wishes to created three positions that were deleted in the Public Health Campaign, Project #873, which consist of one regular part-time position of Sr. Caseworker, PH, one full-time position of Public Health Educator, JG VIII, and one full-time position of Sr. Public Health Aide, JG III, and

WHEREAS, the purposes of this program include: follow up of active TB cases, suspect cases, persons receiving preventive therapy for TB and persons exposed to TB; outreach services, and targeted screening and preventive therapy for at-risk groups including incoming refugees and inmates at Erie County correctional facilities needing preventive therapy.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant from the New York State Department of Health which is budgeted as follows:

Tuberculosis Elimination Activities Program
2/1/03 – 1/31/04

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ERIE COUNTY LEGISLATURE

Project #869

		CURRENT		REVISED
SFG	REVENUE	BUDGET CHANGES		BUDGET
582	State Aid Tuberculosis	\$ 82,950	\$ 153,726	\$ 236,676
	TOTAL	<u>\$ 82,950</u>	<u>\$ 153,726</u>	<u>\$ 236,676</u>
EXPENSES				
800	Personal Services	\$ 64,538	\$ 79,878	\$ 144,416
805	Fringe Benefits	17,412	20,284	37,696
810	Office Supplies	0	3,300	3,300
814	Medical Supplies	0	3,796	3,796
824	Travel & Mileage	1,000	6,050	7,050
826	Other Expenses	0	13,655	13,655
830	Contractual Services	0	2,000	2,000
880-				
2700	Interfund – Health Grants *	0	11,393	11,393
880-				
5100	Interfund – DISS	0	120	120
	Lab & Technical			
933	Equipment	0	13,250	13,250
	TOTAL	<u>\$ 82,950</u>	<u>\$ 153,726</u>	<u>\$ 236,676</u>

and be it further

RESOLVED, that the budget for the Erie County Department of Health is hereby adjusted as follows:

Increase Account 685-2709 Interfund Health Grants	\$11,393
Increase Account 932 Office Equipment	\$11,393

and be it further

RESOLVED, that following positions are hereby authorized in the budget of the TB Elimination Activities Program, effective April 1, 2003; one regular part-time position of Sr. Caseworker, PH, one full-time position of Public Health Educator, JG VIII, and one full-time position of Sr. Public Health Aide, JG III.

The following personnel detail is hereby submitted:

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TITLE: Sr. Caseworker, PH (RPT)
 STEP: 2
 JG: IX
 HOURLY RATE: \$18.37

FUNDING: 100% State Reimbursed
 CIVIL SERVICE: Yes
 CIVIL SERVICE LIST: Yes

TITLE: Public Health Educator
 STEP: A
 JG: VIII
 ANNUAL SALARY: \$42,135
 ANNUAL BENEFITS: \$11,376

FUNDING: 100% State Reimbursed
 CIVIL SERVICE: Yes
 CIVIL SERVICE LIST: Yes

TITLE: Sr. Public Health Aide
 STEP: 5
 JG: III
 ANNUAL SALARY: \$28,427
 ANNUAL BENEFITS: \$7,675
 and be it further

FUNDING: 100% State Reimbursed
 CIVIL SERVICE: Yes
 CIVIL SERVICE LIST: Yes

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (5-0)

3. Item Page -2003 (Comm. 13E-54)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a continuing grant from the New York State Health Department in the amount of \$364,945 to fund the Public Health Campaign from April 1, 2003 through March 31, 2004, and

WHEREAS, the continuing grant includes funding for the Tuberculosis Control and the Sexually Transmitted Disease (STD) Prevention Program, and

WHEREAS, the New York State Public Health Campaign grant award has not kept pace with contracted salary increases. Therefore, it is necessary to adjust staffing by deleting one regular part-time position of Sr. Caseworker, PH, JG IX, (position number 813343), one full-time position of Public Health Educator, JG VIII, (position number 813679), one full-time position of Sr. Public Health Aide, JG III, (position number 816324) and one full-time vacant position of Sr. Clerk Steno, JG IV, (position number 813342), and

WHEREAS, the Tuberculosis Elimination Grant, Project #869 has sufficient funds to cover the salaries of the three filled positions, and

WHEREAS, these personnel adjustments will enable the Public Health Campaign to stay within budget without reducing direct patient services.

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NOW, THEREFORE, BE IT

RESOLVED, that the following personnel adjustments are hereby authorized in the budget of the Public Health Campaign, Project #873: the deletion of one regular part-time position of Sr. Caseworker, PH, JG IX, (position number 813343), one full-time position of Public Health Educator, JG VIII, (position number 813679), one full-time position of Sr. Public Health Aide, JG III, (position number 816324) and one full-time position of Sr. Clerk Steno, JG IV, (position number 813342), and be it further

RESOLVED, that the following personnel adjustments are hereby authorized in the budget of the Tuberculosis Elimination Grant, Project #869: the creation of one regular part-time position of Sr. Caseworker, PH, JG IX, one full-time position of Public Health Educator, JG VIII, and one full-time position of Sr. Public Health Aide, JG III, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a revised agreement with the New York State Department of Health which is budgeted as follows:

**Public Health Campaign
04/01/03 – 03/31/04
Project #873**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
360	Other Local Source Revenue	\$36,164	\$ -34,164	\$ 2,000
551-0100	State Aid Public Goods Pool	0	30,945	30,945
553	State Aid Other	450,255	-118,255	332,000
	TOTAL	<u>\$486,419</u>	<u>\$-121,474</u>	<u>\$364,945</u>

EXPENSES

800	Personal Services	\$364,009	\$-115,369	\$ 248,640
805	Fringe Benefits	98,210	-31,151	67,059
810	Office Supplies	200	242	442
821	Dues & Fees	1,000	0	1,000
822	Rental Charges	0	40	40
824	Travel & Mileage	16,000	-9,800	6,200
825	Out of Area Travel	1,000	0	1,000
826	Other Expenses	6,000	-5,000	1,000
830	Contractual Services	0	0	0
880-2700	Interfund Health Grants	0	38,914	38,914
880-5100	Interfund DISS	0	650	650
933	Lab & Technical Equipment	0	0	0

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TOTAL	<u>\$ 486,419</u>	<u>\$-121,474</u>	<u>\$ 364,945</u>
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and be it further

RESOLVED, that the budget for the Erie County Department of Health is hereby adjusted as follows:

Increase Account 685-2709 Interfund Health Grants	\$38,914
Increase Account 932 Office Equipment	\$38,914

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0)

4. Item Page -2003 (Comm. 13E-55)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides primary and specialty care at various locations throughout Erie County, and

WHEREAS, Communication 18E-19 dated October 4, 2001 authorized the County Executive to enter into an agreement with the New York State Department of Health, Refugee Health Program for the purpose of providing refugee health assessments at clinics operated by the Erie County Department of Health for reimbursement for services provided for the term November 1, 2001 through December 31, 2002 with yearly renewals in calendar years 2003, 2004, 2005 and 2006, and

WHEREAS, the delay in passing the New York State budget has made it necessary to amend the term of the contract.

NOW, THEREFORE, BE IT

RESOLVED, that the term of this agreement shall be from March 31, 2002 through March 30, 2003 with yearly renewals in calendar years 2003, 2004, 2005 and 2006, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of Budget, Management and Finance, Office of the Comptroller and the Department of Law.

(5-0)

5. Item Page -2003 (Comm. 13E-56)

COUNTY EXECUTIVE

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, the Centers for Disease Control and Prevention (CDC) funds a grant in the amount of \$116,546 to the Erie County Department of Health for the purpose of integrating viral hepatitis prevention services into existing Western New York health departments' services, and

WHEREAS, the regional Integration of Hepatitis Prevention Services project will provide hepatitis prevention counseling to patients at high risk, testing for Hepatitis C and B, vaccination for Hepatitis A and B, referral of infected patients to appropriate substance abuse and medical specialist services, staff training and project evaluation, and

WHEREAS, budgetary adjustments are necessary to balance the accounts within the program and extend the existing contract with the SUNY Department of Social & Preventive Medicine in order to complete the analysis of data collected throughout the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to make the budgetary adjustments necessary to balance the accounts within the program as follows:

INTEGRATION OF HEPATITIS PREVENTION SERVICES

9/30/01 – 9/29/02

PROJECT #580

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
521	Other Unclassified Revenue	\$116,546	\$0	\$116,546
		0	0	0
	TOTAL	<u>\$116,546</u>	<u>\$0</u>	<u>\$116,546</u>
EXPENSES				
800	Personal Services	\$38,957	\$0	\$38,957
805	Fringe Benefits	7,772	0	7,772
821	Dues & Fees	6,365	0	6,365
824	Travel & Mileage	1,522	0	1,522
825	Out of Area Travel	7,409	0	7,409
826	Other Expenses	3,201	0	3,201
830	Contracted Services	0	15,000	15,000
880-2720	Interfund - Public Health Lab	38,500	-15,000	23,500
880-4000	Interfund – ECMC	9,756	0	9,756
880-5100	Interfund - DISS	912	0	912
932	Furniture, Fixtures & Office Equipment	1,000	0	1,000
933	Lab & Technical Equipment	1,152	0	1,152
	TOTAL	<u>\$116,546</u>	<u>\$0</u>	<u>\$116,546</u>

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and be it further

RESOLVED, that the existing contract with SUNY Department of Social & Preventive Medicine is hereby extended through March 31, 2004 in order to complete work on this project, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0)

6. Item Page -2003 (Comm. 13E-57)

COUNTY EXECUTIVE

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded a revised grant in the amount of \$99,428 to the Erie County Department of Health for the purpose of integrating viral hepatitis prevention services into existing Western New York Health Departments' services, and

WHEREAS, the regional Integration of Hepatitis Prevention Services project will provide hepatitis prevention counseling to patients at high risk, testing for Hepatitis C and B, vaccination for Hepatitis A and B, referral of infected patients to appropriate substance abuse and medical specialist services, staff training and project evaluation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised agreement with the Centers for Disease Control (CDC) which is budgeted as follows:

Integration of Hepatitis Prevention Services**9/30/02 – 9/29/03****Project #718**

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
521	Other Unclassified Revenue	<u>\$ 145,796</u>	<u>\$-46,368</u>	<u>\$ 99,428</u>
	TOTAL	<u><u>\$ 145,796</u></u>	<u><u>\$-46,368</u></u>	<u><u>\$ 99,428</u></u>

EXPENSES

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800	Personal Services	\$ 39,857	\$ 2,930	\$ 42,787
805	Fringe Benefits	9,231	610	9,841
810	Office Supplies	0	1,100	1,100
	Medical & Health			
814	Supplies	0	1,500	1,500
821	Dues & Fees	10,000	- 3,000	7,000
824	Travel & Mileage	6,000	-4,000	2,000
825	Out of Area Travel	7,000	-4,500	2,500
826	Other Expenses	6,000	2,500	3,500
880-				
2700	Interfund – Health Grants	0	6,807	6,807
880-	Interfund – Public Health			
2720	Lab	65,208	-44,515	20,693
880-				
5100	Interfund - DISS	2,000	-800	1,200
	Lab & Technical			
933	Equipment	<u>500</u>	<u>0</u>	<u>500</u>
TOTAL		<u>\$ 145,796</u>	<u>\$-46,368</u>	<u>\$ 99,428</u>

and be it further

RESOLVED, that the following adjustments are hereby authorized in the Department of Health budget:

Increase Account 685-2709 Interfund – Grants	\$6,807
Increase Account 932 Office Equipment	\$6,807

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0)

7. Item Page -2003 (Comm. 13E-58)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has a contract with the New York State Department of Health to conduct an Enhanced Drinking Water Protection Program, and

WHEREAS, the Department of Health has determined that it is necessary to make budgetary adjustments in order to efficiently and effectively meet the requirements of the program, and

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WHEREAS, the New York State Department of Health has agreed to extend this contract for on additional year from April 1, 2003 through March 31, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from the New York State Department of Health which extends the grant year through March 31, 2004 which is budgeted as follows:

**Department of Health
Drinking Water Protection Program
4/1/02 – 3/31/04
PROJECT #691**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	OTHER REVENUE	\$250,000	\$0	\$250,000
	TOTAL	<u>\$250,000</u>	<u>\$0</u>	<u>\$250,000</u>
	EXPENSES			
800	PERSONAL SERVICES	\$155,291	-\$3,976	\$151,315
805	FRINGE BENEFITS	35,965	-9,547	26,418
821	DUES AND FEES	0	1,500	1,500
824	TRAVEL & MILEAGE	1,500	0	1,500
825	OUT OF AREA TRAVEL	8,000	-6,700	1,300
880-5100	INTERFUND - DISS	1,557	-1,557	0
882-2709	I/D - HEALTH GRANTS	1,000	-1,000	0
932	OFFICE EQUIPMENT	4,000	0	4,000
933	LAB & TECH EQUIP	42,687	21,280	63,967
	TOTAL	<u>\$ 250,000</u>	<u>\$ 0</u>	<u>\$ 250,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Department of Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.
(5-0)

8. Item Page -2003 (Comm. 13E-59)
COUNTY EXECUTIVE

WHEREAS, Hepatitis C is a liver disease caused by a bloodborne virus. Approximately 25% of people infected with Hepatitis C will become sick with jaundice, and fifty percent of these individuals may go on to develop chronic liver disease, and

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WHEREAS, the Erie County Department of Health and the Public Health Laboratory are participating in a study on Hepatitis C Transmission in collaboration with the State University of New York at Buffalo's Research Institute on Addictions and the Prevention Research Center, a division of the Pacific Institute for Research and Evaluation (PIRE), and

WHEREAS, the Health Department has received a revised grant award from Pacific Institute for Research and Evaluation (PIRE) in the amount of \$28,755.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a revised agreement with the Pacific Institute for Research and Evaluation (PIRE) to accept the revised grant to be budgeted as follows:

HEPATITIS C TRANSMISSION STUDY**08/1/02- 07/31/03****PROJECT #695**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
521	OTHER REVENUE	\$ 26,755	\$2,000	\$ 28,755
	TOTAL	<u>\$ 26,755</u>	<u>\$2,000</u>	<u>\$ 28,755</u>
	EXPENSES			
801	OVERTIME	\$3,000	\$0	\$3,000
814	MEDICAL SUPPLIES	3,000	0	3,000
821	DUES & FEES	3,000	0	3,000
825	OUT OF AREA TRAVEL	4,000	0	4,000
826	OTHER EXPENSES	3,500	0	3,500
880-2720	INTERFUND-PH LAB	5,755	2,000	7,755
933	LAB & TECH EQUIP	<u>4,500</u>	<u>0</u>	<u>4,500</u>
	TOTAL	<u>\$ 26,755</u>	<u>\$2,000</u>	<u>\$ 28,755</u>

and be it further

RESOLVED, that the budget for the Erie County Department of Health – Public Health Laboratory Division is hereby adjusted as follows:

Increase Account 814 Medical Supplies	\$2,000
Increase Account 685-2709 Interfund – Health Grants	\$2,000

and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(5-0)

9. Item Page -2003 (Comm. 13E-60)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates a program to provide HIV training services and technical assistance to Western New York health and human services providers and community members to provide the knowledge and skills to protect the Western New York community from HIV infection and provide care to those living with HIV/AIDS, and

WHEREAS, this training focus will assist the New York State Department of Health in meeting its goal of HIV prevention and care, and

WHEREAS, the Department of Health has determined that it is necessary to make budgetary adjustments in order to balance the accounts within the grant, and

WHEREAS, sufficient funds are available in the Adopted Budget of the Health Department.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to make the budgetary adjustments necessary to balance the accounts within the program as follows:

WESTERN REGIONAL TRAINING GRANT**07/1/02- 06/30/03****PROJECT #706**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	<u>\$115,000</u>	<u>\$0</u>	<u>\$115,000</u>
	TOTAL	<u><u>\$115,000</u></u>	<u><u>\$0</u></u>	<u><u>\$115,000</u></u>
	EXPENSES			
800	PERSONAL SERVICES	\$ 53,373	\$-354	\$53,019
801	OVERTIME	0	354	354
805	FRINGE BENEFITS	15,279	4,382	19,661
810	OFFICE SUPPLIES	1,500	0	1,500
814	MEDICAL SUPPLIES	890	0	890
824	TRAVEL & MILEAGE	1,000	-500	500
825	OUT OF AREA TRAVEL	11,500	-2,103	9,397
826	OTHER EXPENSES	19,179	0	19,179
830	CONTRACTUAL	500	0	500

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880-2700	INTERFUND - ECHD	0	1,500	1,500
932	OFFICE EQUIPMENT	2,500	0	2,500
933	LAB & TECH EQUIP	<u>9,279</u>	<u>-3,279</u>	<u>6,000</u>
TOTAL		<u><u>\$115,000</u></u>	<u><u>\$0</u></u>	<u><u>\$115,000</u></u>

and be it further

RESOLVED, that the following budgetary adjustments are made to the following accounts within the Health Department:

Increase Account 685-2709 Interfund – Health Grants	\$1,500
Increase Account 932 Office Equipment	\$1,500

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.

(5-0)

10. Item Page -2003 (Comm. 13E-61)

COUNTY EXECUTIVE

WHEREAS, the Rural Van Transportation Program serves low-income households as well as the elderly and disabled in 25 municipalities in northeastern and southern Erie County; and

WHEREAS, the Rural Van Program is operated under an Erie County contract with Rural Transit Service, Inc., a not-for-profit corporation, beginning June 1, 2003;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendatory agreement with Rural Transit Service, Inc. (RTS) a not-for-profit corporation, in order to increase the advance payment amount from \$7,500 to \$10,000 and add \$3,300 to the equipment line for replacement van equipment and the administration of the Rural Van Transportation Program for the 2003-2004 Community Development Consortium Block Grant (CDBG) Program year: and be it further

RESOLVED, that said contract authorization is contingent on the Erie County Community Development Block Grant Consortium receiving federal funds for the 2003-2004 Community Development Program year or the availability of unexpended funds allocated for the service from prior CDBG program years; and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management, and Finance, the Comptroller and the Commissioner of the Department of Environment and Planning.

(5-0)

11. Item Page -2003 (Comm. 13E-71)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Caregiver Support Program (III-E), for the period January 1 through December 31, 2003 and the Congregate Services Initiative Program (CSI) for the period April 1, 2002 through March 31, 2003; and

WHEREAS, the New York State Office for the Aging has informed all Area Agencies on Aging that they will end support for the case management client tracking system, Provider Data System (PDS), effective July 1, 2003; and

WHEREAS, the Department of Senior Services (Department) is one of the largest users of PDS and has been instrumental in improving the software's functionality; and

WHEREAS, the Department requires technical support to maintain its PDS software for client tracking and has received a quote from the sole source vendor, SOFTEK Corporation, for 100 hours of technical and 100 hours of program support for \$17,500; and

WHEREAS, sixteen other counties have agreed to form a PDS Consortium and pay part of the cost of, and to receive part of the benefits from, the PDS technical support vendor, SOFTEK Corporation; and

WHEREAS, the Department estimates that its net cost will be \$1,900; and

WHEREAS, the Department has identified nutrition education personnel costs that qualify as CSI grant costs, and desires to charge these costs to the grant to maximize use of State funds; and

WHEREAS, the III-E and CSI grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the area agencies on aging in the PDS Consortium for receiving the benefits of technical support from SOFTEK Corporation for PDS, effective July 1, 2003; and be it further

RESOLVED, that the budget for the III-E grant, Project 770, be revised as follows:

	CURRENT	AMENDED
	BUDGET	CHANGES BUDGET
REVENUES		

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Account	Description			
	518 Local Revenue-Misc. Rec.	\$100	\$15,600	\$15,700
	TOTAL CHANGE		<u>\$15,600</u>	

APPROPRIATIONS

	821 Dues and Fees	\$1,348	\$17,500	\$18,848
830/385	Other Projected Agencies	\$302,868	<u>-\$1,900</u>	300,968
	TOTAL CHANGE		<u>\$15,600</u>	

and be it further

RESOLVED, that the budget for the CSI grant, Project 655, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
	800 Personal Services	\$0	\$1,502	\$1,502
	826 Other Expenses	26,590	<u>-1502</u>	25,088
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Attorney's Office, the Comptroller's Office and the Department of Senior Services.

(5-0)

BARRY A. WEINSTEIN
CHAIRMAN

MR. WEINSTEIN moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 40 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 483

July 7, 2003

COMMUNITY ENRICHMENT

COMMITTEE
 REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|--|------|-------|----------------|
| | Item | Page | -2003 | (Intro. 8-3) |
| a. | MINORITY CAUCUS: Calling for 2003-04 ECC Pre-Budget Discussion.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 10D-3) |
| b. | ECC: 2003-2004 ECC Budget.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 10D-11) |
| c. | ECC: Amended Salaries for ECC 2003-04 Budget Submission.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 11E-2) |
| d. | CUSACK: 2003-2004 ECC Budget Approval Process.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 11E-4) |
| e. | COUNTY EXECUTIVE: ECC Budget for 2003-2004 – Extension of Filing Deadline.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 11E-9) |
| f. | CUSACK: 2003-2004 ECC Budget Approval Process Extension.
(5-0) | | | |

2. Item Page -2003 (Comm. 13E-27)
COUNTY EXECUTIVE

WHEREAS, the Buffalo Zoo is one of Erie County's major cultural resources, and it is anticipated the Zoo will become a major regional and binational cultural tourism attraction in the next several years, based on a Master Plan which is now in the process of being implemented for a cost approximating \$75 million; and

WHEREAS, the Sea Lion/River Otter Exhibit at the Buffalo Zoo is the first attraction that will adhere to the Zoo's Master Plan theme focusing on water, and this exhibit was planned in conjunction with mandated upgrades to the Zoo as required by the American Zoo and Aquarium Association (AZA), and as a result of the AZA's comments concerning the site for this exhibit, the Zoo decided to combine two separate exhibits, sea lions and river otters, into one larger construction project, and by doing such the Zoo could utilize a single holding building for both these aquatic mammal species; and

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WHEREAS, much of the private sector support for this \$5.7 million project has already been committed, but there is a critical need for an additional \$3.25 million in order for construction to start up in August 2003, otherwise costly delays will result that could negatively impact this exhibit and subsequent phases of Master Plan implementation; and

WHEREAS, New York State recently cleared this project for construction as a result of the State Environmental Quality Review (SEQR) process and, in addition, New York State may reimburse Erie County for up to \$2 million of the costs for the Sea Lion/River Otter Exhibit,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements with the Buffalo Zoological Society, the State of New York, and the City of Buffalo, as appropriate, in order for the County to provide a grant in the amount of \$3.25 million for the Sea Lion/River Otter Exhibit at the Buffalo Zoo, and to obtain reimbursement in the event of State funding; and be it further

RESOLVED, that the Erie County 2003 Capital Budget is hereby amended to establish the Buffalo Zoo Sea Lion/River Otter Exhibit Capital Project in the amount of \$3.25 million; and be it further

RESOLVED, that the source of funding for this project shall be \$3.25 million in available funds from Tobacco Trust Fund Proceeds; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the County Comptroller, the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management and Finance, Hon. Anthony M. Masiello, Mayor, City of Buffalo, City Hall, 65 Niagara Square, Buffalo, New York 14202; and Donna Fernandes, President of the Buffalo Zoo, 300 Parkside Avenue, Buffalo, New York 14214.

(5-0)

3. Item Page -2003 (Comm. 13E-66)

COUNTY EXECUTIVE

WHEREAS, Gallagher Beach represents a valuable waterfront asset; and

WHEREAS, recent Phase I improvements to said Beach have created an important public access point along the Outer Harbor recreation corridor; and

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) wishes to undertake Phase II improvements that will include bike trails, sidewalks, landscaped areas, parking and other amenities to the Dike Area immediately north of the Phase I section; and

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WHEREAS, said Phase II improvements will require a shared funding commitment from the State of New York, the City of Buffalo and County of Erie,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive shall execute all required agreements necessary to effectuate the transfer of \$300,000 to the NFTA; and be it further

RESOLVED, that the sum of \$300,000 is hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to a new sub-account for this purpose under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution shall be forwarded to the Director of the Division of Budget, Management, and Finance, the Commissioner of the Department of Environment and Planning, and the County Comptroller. (5-0)

4. Item Page -2003 (Comm. 13E-68)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is in need of funds to cover expenses associated with additional recreational events, such as the Wendt Beach Summerfest and the Ellicott Creek Park Ribbon Regatta for the year 2003, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry successfully held these events in 2002 due to a Legislative Resolution which transferred funds to the Division of Recreation Budget.

NOW, THEREFORE, BE IT

RESOLVED, that funds in the amount of \$15,000 are hereby transferred from the 1995 Contingency Fund Balance, (DAC 11092331029010001995), to the Division of Recreation's budget accounts as follows:

<u>Amount</u>	<u>DAC</u>	<u>Account</u>
\$ 500	110943641811	Recreational Supplies
\$ 400	110943641812	Food/Kitchen Supplies
\$ 400	110943641822	Rental
\$ 500	110943641824	Local Mileage
\$ 9,700	110943641826	Other Expenses
<u>\$ 3,500</u>	110943641830	Contractual Fees
 \$ 15,000	 Total	

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and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0)

**ELISE M. CUSACK
CHAIRPERSON**

MS. CUSACK moved to separate items #2 & #3 and moved the approval of the balance of the report. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

MS. CUSACK moved the approval of item #2. MR. LARSON seconded.

CHAIRMAN SWANICK directed that a roll vote be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DeBENEDETTI.

CARRIED. (WEIGHTED VOTE: 16.041 – 0.959)

MS. CUSACK moved the approval of item #3. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 41 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 484

Re: Consideration for Public Benefit Funding.
(Intro. 14-1)

A RESOLUTION SUBMITTED BY
LEGISLATOR CHASE

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WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Eden Athletic Association	\$2,000	CHASE
TOTAL	\$2,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MS. CHASE moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

- **DELETE the First RESOLVED Clause in its entirety and REPLACE with:**

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
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Eden Athletic Association	\$2,000	CHASE
Amherst Public Library (Eggertsville Branch)	\$2,000	CUSACK
Town of Lancaster	\$2,500	LARSON
Clarence Youth Board	\$5,000	RANZENHOFER
TOTAL	\$11,500	

MS. CHASE moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 485

Re: Legislative Personnel Adjustments.
(Intro. 14-2)

A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK & RANZENHOFER

WHEREAS, from time to time certain personnel adjustments are necessary to address the staffing needs of the Legislature,

NOW, THEREFORE, be it

MR. RANZENHOFER moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

ADD the following after “NOW, THEREFORE, be it”:

RESOLVED, that the Erie County Legislature does hereby DELETE two (2) positions of SR LEG SEC: Position No. 001236 and Position No. 001288, effective June 30, 2003, and be it further

RESOLVED, that the Erie County Legislature does hereby DELETE one (1) position of ADMIN LIAIS ASST LEG: Position No. 001113 effective June 13, 2003, and be it further

RESOLVED, that this Honorable Body does hereby CREATE three (3) positions of SR ADMINISTRATIVE CLERK LEG (Job Group 9, Step 2) to Function 2000 – Clerk’s Staff – Admin, effective June 30, 2003, and be it further

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RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Personnel, and the Director of the Division of Budget, Management & Finance are hereby authorized to complete all of the necessary paperwork to effectuate these personnel changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management & Finance.

Fiscal Impact: To be determined.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 43 – MR. SMITH presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 486

Re: Consideration for Public Benefit Funding.
(Intro. 14-3)

A RESOLUTION SUBMITTED BY
LEGISLATOR SMITH

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Forever Elmwood	\$1,500	SMITH
TOTAL	\$1,500	

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And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MR. SMITH moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 44 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 487

Re: Lease for District Office Space.
(Intro. 14-4)

RESOLVED, that the Erie County Legislature hereby authorizes all parties to the existing lease between the County of Erie and Kenmore – Town of Tonawanda Union Free School District for district office space for Legislator Charles M. Swanick at the Phillip Sheridan Building, 3200 Elmwood Avenue, Kenmore, New York 14217 to enter into an amendatory agreement to the lease that changes the location from Room 100 to Room 101 and to increase the monthly rent from \$315.88 to \$400.00, effective July 1, 2003, and be it further

RESOLVED, that funding is available within the Legislature's Rental Charges DAC: 110905100822 to effectuate this change in rent, and be it further

RESOLVED, that the Erie County Legislature hereby allocates \$504.72 from the Legislature's Rental Charges DAC: 110905100822 to increase the existing encumbrance (CE# 57854) by \$504.72 in order to disburse payment to the landlord for the remaining two quarters of 2003, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Susannah

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M. Bochenek – 2nd Assistant County Attorney, and to Jennifer D. Anger – Accounts Payable Administrator.

Fiscal Impact: Allocation of 2003- Budgeted funds.

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded. CHAIRMAN SWANICK abstained.

CARRIED. (WEIGHTED VOTE: 15.958 – 0)

Item 45 – MR. HOLT presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 488

Re: Transfer of Public Benefit Funds.
(Intro. 14-5)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, RANZENHOFER, CHASE, CUSACK, FALKNER, LARSON,
McCARVILLE, WEINSTEIN, HOLT, DEBENEDETTI, DUSZA, FISHER,
KUWIK, MARINELLI, SCHROEDER & SMITH

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$652,614 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Amherst Public Library (Egbertsville/Snyder Branch)	830/0156	\$3,000	CUSACK
Langston Hughes Center	830/0227	\$3,000	SMITH
Cheektowaga Community Symphony Orchestra	830/0279	\$1,500	DUSZA

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Chopin Singing Society	830/0280	\$3,000	DUSZA
Masten Neighborhood Human Services Corp	830/0285	\$20,400	SMITH
Town of Cheektowaga (Patriotic Commission)	830/0311	\$1,000	DUSZA
North Buffalo Community Development Corporation	830/0317	\$10,000	MARINELLI
Town of West Seneca (Veterans Park)	830/0319	\$5,000	FALKNER
University Heights Community Devel Assn, Inc.	830/0346	\$1,500	SMITH
Northwest Buffalo Community Center, Inc.	830/0356	\$50,000	DEBENEDETTI
Ujima Theatre	830/0410	\$3,000	SMITH
Town of Evans	830/0430	\$7,500	CHASE
Colden Highway Department	830/0442	\$7,000	MCCARVILLE
NICYO	830/0534	\$24,500	SMITH
Masten Boys and Girls Club	830/0546	\$2,000	SMITH
South Buffalo Community Table	830/0611	\$5,000	FALKNER
Buffalo Green Fund (Buffalo in Bloom)	830/0619	\$1,000	FISHER
Buffalo Green Fund Daffodil Program	830/0619	\$1,000	DUSZA
Amherst Police Department	830/0622	\$2,000	CUSACK
Forever Elmwood Corporation	830/0630	\$500	FISHER
Depew Village Court	830/0649	\$1,500	DUSZA
Town of Hamburg Senior Services	830/0678	\$2,000	KUWIK
Village of Blasdell - Sidewalks	830/0690	\$7,500	KUWIK
Eggertsville Hose Company	830/0701	\$10,000	CUSACK
Village of Blasdell - National Night Out	830/0742	\$1,500	KUWIK
Woodlawn Community Revitalization Corp.	830/0771	\$4,000	KUWIK
Blasdell Vol. FC	830/0852	\$2,000	KUWIK
Canal Fest Performance	830/0871	\$3,000	SWANICK
Kids Voting WNY	830/0900	\$350	DUSZA
Cheektowaga Police Department	830/0926	\$5,000	DUSZA
Lackawanna Fire Department	830/0930	\$2,000	KUWIK
Amherst Girls Softball League	830/0932	\$2,000	WEINSTEIN
Amherst Girls Softball League	830/0932	\$1,000	WEINSTEIN
Town of Grand Island	830/0937	\$11,000	SWANICK
Back to Basics Outreach Ministry	830/0973	\$2,000	SMITH
Snyder Fire Department	830/0991	\$5,000	CUSACK
Buffalo Olmsted Parks Conservancy	830/1005	\$2,000	SMITH
Lackawanna Yemen Soccer Club Inc.	830/1022	\$3,500	KUWIK
Twin District Fire Company	830/1029	\$10,000	LARSON
Depew Police Department	830/1045	\$2,000	DUSZA
Village of Blasdell - Independence Day Celebration	830/1047	\$1,500	KUWIK
Bett-Toomey Detachment - Marine Corps League	830/1057	\$1,500	KUWIK
American Legion Post 1041 Niag. Frontier	830/1058	\$5,000	DEBENEDETTI

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North Bailey Fire Hall	830/1108	\$2,500	CUSACK
Matthewson McCarthy Youth Baseball	830/1109	\$3,000	WEINSTEIN
Village of Blasdell - Freedom Fest	830/1140	\$2,000	KUWIK
City of Tonawanda Community Development Agency	830/1152	\$13,000	SWANICK
Pine Hill Fire District 5	830/1159	\$2,500	DUSZA
Boy Scouts of America - Greater Niagara Frontier Council	830/1169	\$2,000	MCCARVILLE
United Irish American Association of Erie County	830/1200	\$500	CUSACK
United Irish American Association of Erie County	830/1200	\$500	DUSZA
United Irish American Association of Erie County	830/1200	\$2,500	FALKNER
United Irish American Association of Erie County	830/1200	\$1,000	MARINELLI
United Irish American Association of Erie County	830/1200	\$1,000	MCCARVILLE
United Irish American Association of Erie County	830/1200	\$1,500	SCHROEDER
United Irish American Association of Erie County	830/1200	\$1,000	WEINSTEIN
Evans/Brant Chamber of Commerce	830/1244	\$3,500	CHASE
Kenmore Town of Tonawanda Chamber	830/1256	\$2,500	CUSACK
Kenmore Town of Tonawanda Chamber	830/1256	\$2,500	SWANICK
Orchard Park Fire District	830/1287	\$3,000	MCCARVILLE
Hamburg Vol. Fire Company, Inc.	830/1318	\$10,000	CHASE
Harlem Kensington Cleveland Community Assn	830/1323	\$5,000	CUSACK
Bowmansville Fire Department	830/1340	\$10,000	LARSON
Orchard Park Post Prom	830/1400	\$500	MCCARVILLE
Group Ministries	830/1401	\$50,000	HOLT
Hillcrest Fire Company	830/1448	\$3,000	MCCARVILLE
Amherst Youth Foundation (Amherst Relay)	830/1454	\$2,000	WEINSTEIN
North Amherst Fire Company	830/1459	\$5,000	WEINSTEIN
Safe Homes (Erie County Council for the Prevention of Alcohol & Substance Abuse)	830/1517	\$1,000	WEINSTEIN
YMCA of Greater Buffalo (Southtowns)	830/1546	\$3,000	FALKNER
MusicalFare Theatre	830/1565	\$2,500	CUSACK
Grand Island Jr. Football	830/1575	\$1,000	SWANICK
WNY Red Light Running Foundation	830/1581	\$1,000	WEINSTEIN
Erie County SPCA - Neutering Program	830/1648	\$12,000	MAJORITY
Allied Sportsmen of WNY	830/1681	\$2,000	FALKNER
Sweet Home School District	830/1714	\$2,100	CUSACK
Town of Grand Island (Reality Café)	830/	\$1,000	SWANICK
Town of Grand Island (Special Olympics Program)	830/	\$1,000	SWANICK
East Aurora Fire CO.	830/	\$3,000	MCCARVILLE
ESG LOC 2003	830/	\$5,000	LARSON
Elm Research Institute	830/	\$1,365	CHASE

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Elm Research Institute	830/	\$1,365	CUSACK
Elm Research Institute	830/	\$1,365	MCCARVILLE
Elm Research Institute	830/	\$1,365	SWANICK
Elm Research Institute	830/	\$1,000	WEINSTEIN
Gilda's Club WNY	830/	\$5,000	FISHER
St. Phillips Community Center	830/	\$3,000	SMITH
Amherst Senior Citizens Foundation	830/	\$1,000	CUSACK
WNY Veterans Housing Association (Kibler)	830/	\$5,000	SWANICK
Erie County Farm Bureau, Inc.	830/	\$5,000	CHASE
Metro Community Development Center	830/	\$55,600	SMITH
Eden Recreation Department	830/	\$5,000	CHASE
Masten Block Club Coalition	830/	\$7,500	SMITH
Response To Love Outreach Program	830/	\$2,000	DUSZA
Depew Village Senior Citizen Center	830/	\$1,500	DUSZA
Hertel North Park Youth Baseball League	830/	\$20,000	MARINELLI
Aurora Waldorf School	830/	\$3,000	MCCARVILLE
W. Seneca Central Schools (Academy of Finance)	830/	\$1,000	FALKNER
W. Seneca Central Schools (Beautification)	830/	\$5,000	FALKNER
West Seneca Chamber of Commerce	830/	\$3,000	FALKNER
ESG LOC 2003	830/	\$2,000	SWANICK
Angola Volunteer Fire Company	830/	\$5,000	CHASE
Depew Volunteer Fire Department	830/	\$2,500	DUSZA
ESG LOC 2003	830/	\$2,000	MARINELLI
Hamburg Buildings & Grounds Dept. (Lakefront Access Project)	830/	\$15,000	KUWIK
Polish Union of America	830/	\$1,000	DUSZA
The Center for Hospice & Palliative Care	830/	\$2,500	CUSACK
West Side Little League Football	830/	\$5,000	DEBENEDETTI
Hamburg Light up the Town	830/	\$1,000	CHASE
Greater South Buffalo Chamber of Commerce	830/	\$6,004	SCHROEDER
Holy Cross Head Start/Hispanic Health Fair	830/	\$1,000	DEBENEDETTI
Monsignor James Healy Scholarship Foundation	830/	\$1,500	DUSZA
New Refuge House, Inc./Puerto Rico Day Parade	830/	\$5,000	DEBENEDETTI
Avenue Association -- Distinctly Delaware Inc.	830/	\$5,000	FISHER
Como Park PTO	830/	\$10,000	LARSON
Village of Gowanda Recreation	830/	\$2,000	MCCARVILLE
Buffalo Building Trades Development Partnership	830/	\$2,500	MARINELLI
Muddpies	830/	\$1,200	WEINSTEIN
North Forest Playground	830/	\$10,000	WEINSTEIN
South Buffalo Education Center	830/	\$10,000	SCHROEDER

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West Seneca Senior Center	830/	\$5,000	FALKNER
Associated Builders & Contractors	830/	\$16,500	RANZENHOFER
Associated Builders & Contractors	830/	\$2,000	CHASE
Associated Builders & Contractors	830/	\$2,000	CUSACK
Associated Builders & Contractors	830/	\$3,000	FALKNER
Associated Builders & Contractors	830/	\$2,000	MCCARVILLE
Associated Builders & Contractors	830/	\$1,000	SWANICK
TOTAL		\$652,614	

And be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the agency cited, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$3,000 from the Legislature - Contractual DAC: 100905100830 to the Department of Parks Recreation & Forestry – Other Expenses, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$4,500 from the Legislature – Contractual DAC: 100905100830 to the Courts Project – Furniture, Fixtures & Office DAC: 410164220932, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl – First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 budgeted funds

MR. HOLT moved to amend the resolution. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE the First RESOLVED Clause in its entirety and REPLACE with:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$691,699 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
American Legion Gierlach Post	830/	\$1,000	DUSZA
Amherst Senior Citizens Foundation	830/	\$1,000	CUSACK
Angola Volunteer Fire Company	830/	\$5,000	CHASE
Aurora Waldorf School	830/	\$3,000	MCCARVILLE
Avenue Association -- Distinctly Delaware Inc.	830/	\$5,000	FISHER
Buffalo Building Trades Development Partnership	830/	\$2,500	MARINELLI
Como Park PTO	830/	\$10,000	LARSON
Depew Village Senior Citizen Center	830/	\$1,500	DUSZA
Depew Volunteer Fire Department	830/	\$2,500	DUSZA
East Aurora Fire CO.	830/	\$3,000	MCCARVILLE
Eden Recreation Department	830/	\$5,000	CHASE
Elm Research Institute	830/	\$1,365	CHASE
Elm Research Institute	830/	\$1,365	CUSACK
Elm Research Institute	830/	\$1,365	MCCARVILLE
Elm Research Institute	830/	\$1,365	SWANICK
Elm Research Institute	830/	\$1,000	WEINSTEIN
Erie County Farm Bureau, Inc.	830/	\$5,000	CHASE
ESG LOC 2003	830/	\$5,000	LARSON
ESG LOC 2003	830/	\$2,000	MARINELLI
ESG LOC 2003	830/	\$2,000	SWANICK
Gilda's Club WNY	830/	\$5,000	FISHER
Greater South Buffalo Chamber of Commerce	830/	\$6,004	SCHROEDER
Hamburg Buildings & Grounds Dept. (Lakefront Access Project)	830/	\$15,000	KUWIK
Hamburg Light up the Town	830/	\$1,000	CHASE
Hertel North Park Youth Baseball League	830/	\$20,000	MARINELLI
Holy Cross Head Start/Hispanic Health Fair	830/	\$1,000	DEBENEDETTI
Masten Block Club Coalition	830/	\$7,500	SMITH
Metro Community Development Center	830/	\$55,600	SMITH
Monsignor James Healy Scholarship Foundation	830/	\$1,500	DUSZA
Muddpies	830/	\$1,200	WEINSTEIN
New Refuge House, Inc./Puerto Rico Day Parade	830/	\$5,000	DEBENEDETTI
North Forest Playground	830/	\$10,000	WEINSTEIN
Polish Union of America	830/	\$1,000	DUSZA
Response To Love Outreach Program	830/	\$2,000	DUSZA
South Buffalo Education Center	830/	\$10,000	SCHROEDER
St. Phillips Community Center	830/	\$3,000	SMITH
The Center for Hospice & Palliative Care	830/	\$2,500	CUSACK

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Town of Grand Island (Reality Café)	830/	\$1,000	SWANICK
Town of Grand Island (Special Olympics Program)	830/	\$1,000	SWANICK
Village of Gowanda Recreation	830/	\$2,000	MCCARVILLE
W Seneca Central School (Academy of Finance)	830/	\$1,000	FALKNER
W Seneca Central School District (Beautification)	830/	\$5,000	FALKNER
West Seneca Chamber of Commerce	830/	\$3,000	FALKNER
West Seneca Senior Center	830/	\$5,000	FALKNER
West Side Little League Football	830/	\$5,000	DEBENEDETTI
WNY Veterans Housing Association (Kibler)	830/	\$5,000	SWANICK
Meals on Wheels of Buffalo & Erie County	830/0141	\$2,000	CHASE
Meals on Wheels of Buffalo & Erie County	830/0141	\$1,500	CUSACK
Meals on Wheels of Buffalo & Erie County	830/0141	\$2,000	FALKNER
Meals on Wheels of Buffalo & Erie County	830/0141	\$2,000	MCCARVILLE
Meals on Wheels of Buffalo & Erie County	830/0141	\$7,285	RANZENHOFER
Meals on Wheels of Buffalo & Erie County	830/0141	\$1,500	SWANICK
Amherst Public Library (Eggertsville/Snyder Branch)	830/0156	\$13,000	CUSACK
Langston Hughes Center	830/0227	\$3,000	SMITH
Cheektowaga Community Symphony Orchestra	830/0279	\$1,500	DUSZA
Chopin Singing Society	830/0280	\$3,000	DUSZA
Masten Neighborhood Human Services Corp.	830/0285	\$20,400	SMITH
Town of Cheektowaga (Patriotic Commission)	830/0311	\$1,000	DUSZA
North Buffalo Community Development Corporation	830/0317	\$10,000	MARINELLI
Town of West Seneca (Veterans Park)	830/0319	\$5,000	FALKNER
University Heights Community Development Association, Inc.	830/0346	\$1,500	SMITH
Northwest Buffalo Community Center, Inc.	830/0356	\$50,000	DEBENEDETTI
Amherst Saxophone Society	830/0395	\$1,000	WEINSTEIN
Ujima Theatre	830/0410	\$3,000	SMITH
Town of Evans	830/0430	\$7,500	CHASE
Colden Highway Department	830/0442	\$7,000	MCCARVILLE
NICYO	830/0534	\$24,500	SMITH
Masten Boys and Girls Club	830/0546	\$2,000	SMITH
South Buffalo Community Table	830/0611	\$5,000	FALKNER
Buffalo Green Fund (Buffalo in Bloom)	830/0619	\$1,000	FISHER
Buffalo Green Fund Daffodil Program	830/0619	\$1,000	DUSZA
Amherst Police Department	830/0622	\$2,000	CUSACK
Forever Elmwood Corporation	830/0630	\$500	FISHER
Depew Village Court	830/0649	\$1,500	DUSZA
Town of Hamburg Senior Services	830/0678	\$2,000	KUWIK

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Village of Blasdell - Sidewalks	830/0690	\$7,500	KUWIK
Egbertsville Hose Company	830/0701	\$10,000	CUSACK
Village of Blasdell - National Night Out	830/0742	\$1,500	KUWIK
Woodlawn Community Revitalization Corp.	830/0771	\$4,000	KUWIK
Blasdell Vol. FC	830/0852	\$2,000	KUWIK
Canal Fest Performance	830/0871	\$3,000	SWANICK
Kids Voting WNY	830/0900	\$350	DUSZA
Cheektowaga Police Department	830/0926	\$5,000	DUSZA
Lackawanna Fire Department	830/0930	\$2,000	KUWIK
Amherst Girls Softball League	830/0932	\$2,000	WEINSTEIN
Amherst Girls Softball League	830/0932	\$1,000	WEINSTEIN
Town of Grand Island	830/0937	\$11,000	SWANICK
Back to Basics Outreach Ministry	830/0973	\$2,000	SMITH
Snyder Fire Department	830/0991	\$5,000	CUSACK
Buffalo Olmsted Parks Conservancy	830/1005	\$2,000	SMITH
Lackawanna Yemen Soccer Club Inc.	830/1022	\$3,500	KUWIK
Twin District Fire Company	830/1029	\$10,000	LARSON
Depew Police Department	830/1045	\$2,000	DUSZA
Village of Blasdell - Independence Day Celebration	830/1047	\$1,500	KUWIK
Bett-Toomey Detachment - Marine Corps League	830/1057	\$1,500	KUWIK
American Legion Post 1041 Niag. Frontier	830/1058	\$5,000	DEBENEDETTI
Williamsville Business Association	830/1084	\$1,800	WEINSTEIN
North Bailey Fire Hall	830/1108	\$2,500	CUSACK
Matthewson McCarthy Youth Baseball	830/1109	\$3,000	WEINSTEIN
Village of Blasdell - Freedom Fest	830/1140	\$2,000	KUWIK
City of Tonawanda CDA	830/1152	\$13,000	SWANICK
Pine Hill Fire District 5	830/1159	\$2,500	DUSZA
Boy Scouts of America - Greater Niagara Frontier Council	830/1169	\$2,000	MCCARVILLE
United Irish American Assn of Erie County	830/1200	\$500	CUSACK
United Irish American Assn of Erie County	830/1200	\$500	DUSZA
United Irish American Assn of Erie County	830/1200	\$2,500	FALKNER
United Irish American Assn of Erie County	830/1200	\$1,000	MARINELLI
United Irish American Assn of Erie County	830/1200	\$1,000	MCCARVILLE
United Irish American Assn of Erie County	830/1200	\$1,500	SCHROEDER
United Irish American Assn of Erie County	830/1200	\$1,000	WEINSTEIN
Evans/Brant Chamber of Commerce	830/1244	\$3,500	CHASE
Kenmore Town of Tonawanda Chamber	830/1256	\$2,500	CUSACK
Kenmore Town of Tonawanda Chamber	830/1256	\$2,500	SWANICK
Orchard Park Fire District	830/1287	\$3,000	MCCARVILLE

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Hamburg Vol. Fire Company, Inc.	830/1318	\$10,000	CHASE
Harlem Kensington Cleveland Comm Assn	830/1323	\$5,000	CUSACK
Bowmansville Fire Department	830/1340	\$10,000	LARSON
Orchard Park Post Prom	830/1400	\$500	MCCARVILLE
Group Ministries	830/1401	\$50,000	HOLT
Hillcrest Fire Company	830/1448	\$3,000	MCCARVILLE
Amherst Youth Foundation (Amherst Relay)	830/1454	\$2,000	WEINSTEIN
North Amherst Fire Company	830/1459	\$5,000	WEINSTEIN
Safe Homes (Erie County Council for the Prevention of Alcohol & Substance Abuse)	830/1517	\$1,000	WEINSTEIN
YMCA of Greater Buffalo (Southtowns)	830/1546	\$3,000	FALKNER
MusicalFare Theatre	830/1565	\$2,500	CUSACK
Grand Island Jr. Football	830/1575	\$1,000	SWANICK
WNY Red Light Running Foundation	830/1581	\$1,000	WEINSTEIN
			MAJORITY
Erie County SPCA - Neutering Program	830/1648	\$12,000	SLUSH
Clarence Newstead Meals on Wheels Task Force	830/1658	\$3,000	RANZENHOFER
Allied Sportsmen of WNY	830/1681	\$2,000	FALKNER
Sweet Home School District	830/1714	\$2,100	CUSACK
Associated Builders and Contractors	830/	\$2,000	CHASE
Associated Builders and Contractors	830/	\$2,000	CUSACK
Associated Builders and Contractors	830/	\$3,000	FALKNER
Associated Builders and Contractors	830/	\$2,000	MCCARVILLE
Associated Builders and Contractors	830/	\$16,500	RANZENHOFER
Associated Builders and Contractors	830/	\$1,000	SWANICK
ECG LOC 2003	830/	\$1,000	CHASE
ESG LOC 2003	830/	\$2,500	McCARVILLE
Town of Eden Boys & Girls Club	830/	\$2,500	CHASE
TOTAL		\$691,699	

And be it further,

MR. HOLT moved the approval of the resolution as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 46 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 489

Re: Support for the Buffalo Fiscal Stability
Authority. (Intro. 14-6)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, RANZENHOFER, LARSON, CHASE, WEINSTEIN,
MCCARVILLE, CUSACK & FALKNER

WHEREAS, the fiscal health and condition of the City of Buffalo (“Buffalo”) and the Buffalo Public Schools (“BPS”) has been plagued by serious structural budget deficits and an over reliance on aid from New York State over the course of the last several years, and

WHEREAS, the economic position of New York State has worsened substantially due to the combined effects of a national, state, and local economic downturn and the terrorist attacks of September 11, 2001 which manifested themselves severely this year with the long and bitter debate between the NYS Legislature and Governor Pataki over the 2003-2004 NYS Budget, and

WHEREAS, the future of both Buffalo and the BPS was in serious doubt unless immediate, corrective and remedial action was taken by New York State, and

WHEREAS, New York State answered the call to action and created the Buffalo Fiscal Stability Authority (“Authority”) granting it control, advisory and borrowing powers to produce recurring budget savings and in time, restoration of fiscal health to Buffalo and the BPS, and

WHEREAS, depending on the success of this endeavor, the Authority could continue in its control capacity until, at the earliest June 30, 2006 or when Buffalo’s and the BPS’s budgets for three (3) successive years are in balance or, at the latest June 30, 2037, and

WHEREAS, the Authority is headed and run by nine (9) directors: five (5) appointed directly by Governor Pataki; one (1) recommended to the Governor by the NYS Comptroller; one (1) recommended to the Governor by the NYS Senate and Assembly; the Erie County Executive and the Mayor of Buffalo, and

WHEREAS, the Authority was granted many powers to restore the fiscal position of Buffalo, including approval or disapproval of a four (4) year financial plan for Buffalo, creation of its own four (4) year financial plan for Buffalo if needed, determination of levels of spending, imposition of wage and/or hiring freezes, approval or disapproval of collective bargaining agreements, and encouragement of merger of services discussions, and

WHEREAS, Governor Pataki recently appointed his five (5) direct choices; Tom Baker of the Oishei Foundation, Hon. John Faso, Hon. Alair Townsend, Robert Wilmers of M&T Bank, and Ronald Pirtle of Delphi Harrison; Comptroller Hevesi has recommended Hon. H. Carl McCall; County Executive Giambra and Mayor Masiello are already in place to serve, but we are awaiting the recommendation by the NYS Legislature, and

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WHEREAS, one of powers granted to the Authority which intrigued this Honorable Body concerned discussion on the merger of services, and

WHEREAS, there have been numerous suggestions, discussions and calls for new and further merger discussions between Buffalo and Erie County in areas like water management, parks, police, libraries, senior services, and youth services, and

WHEREAS, a recent poll by *The Buffalo News* found Erie County and Buffalo residents quite amenable to such discussions, and

WHEREAS, Erie County has already taken over regional assets like the Convention Center, East Side Transfer Facility and Dunn Tire Park, consolidated the City of Buffalo Cell Block with the Erie County Holding Center and is engaged in ongoing discussions for the take over of other regional assets like the Buffalo Zoo, Kleinhan's Music Hall, and Shea's Performing Arts Theatre, and

WHEREAS, the Authority, Buffalo and Erie County should agree to continue to work together and to partner where able to lessen the fiscal burden Buffalo faces, and

WHEREAS, future discussions of this nature as well as the current and past merger/consolidation actions of Erie County have and will cost Erie County additional revenues, and

WHEREAS, Erie County must be able to continue to sustain itself with these potential added burdens given the tough national, state and local economic climate, plus continue to provide the necessary services to all residents – including residents of the cities of Buffalo, Tonawanda and Lackawanna and the suburban towns – from Medicaid to libraries to capital improvement projects to ECMC, and

WHEREAS, any discussion on changing the sales tax distribution and/or sharing of a portion of Erie County's sales tax is not fiscally responsible to Erie County property taxpayers given the potential added expenses involved in merger/consolidation discussions, and

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby wish to commend and support New York State for its creation of the Buffalo Fiscal Stability Authority to produce recurring budget savings and to restore the fiscal health of Buffalo and the BPS; and be it further

RESOLVED, that this Honorable Body does hereby caution that any additional discussion of changing the sales tax distribution and/or sharing of a portion of Erie County's sales tax is not fiscally responsible to Erie County property taxpayers given potential merger/consolidation discussions at the behest of the Authority as well as current and past merger/consolidation actions of Erie County and Buffalo, and be it further

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RESOLVED, that this Honorable Body does hereby renew its commitment to work and partner with the Authority and Buffalo in the future, where feasible, to lessen the fiscal burden Buffalo faces; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Senate Majority Leader Bruno, Assembly Speaker Sliver, the Western New York delegation to the NYS Legislature, County Executive Giambra, County Comptroller Naples, Budget Director Passafiume, and Mayor Masiello, and the members of the Buffalo Fiscal Stability Authority.

Fiscal Impact: To be determined.

MR. HOLT moved to amend the resolution. MS. MARINELLI seconded.

CHAIRMAN SWANICK directed that the amendment be referred to the FINANCE & MANAGEMENT COMMITTEE.

CHALLENGE TO CHAIR.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, KUWIK, SCHROEDER & SMITH. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

MR. DALE moved to send the item to committee. MR. HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER & SMITH. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

MR. RANZENHOFER moved the approval of the resolution. MR. McCARVILLE seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DUSZA, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DALE, DeBENEDETTI, FISHER, HOLT, MARINELLI, SCHROEDER & SMITH.

*** See Item 58 for further action on this item.

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Item 47 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 490

Re: EC Forest Management Plan Natural
Resources Assessment & Current Forest Health
Analysis. (Intro. 14-7)

A RESOLUTION SUBMITTED BY LEGISLATORS
CHASE, McCARVILLE & LARSON

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Department of Parks) is presently undertaking the development of the Erie County Forest Management Plan (Forest Management Plan), and

WHEREAS, such Management Plan is scheduled to be completed for implementation in the year 2004, and

WHEREAS, there exists an immediate need to conduct preliminary field work consisting of natural resources assessment and current forest health analysis which must be completed prior to the onset of winter, and

WHEREAS, the Erie County Soil & Water Conservation District (ECSWCD) is known to possess the most comprehensive collection of soil and water resources and GIS data in the County and employs personnel with the requisite professional skills and expertise to perform such preliminary field work and desires to provide such services to the Department of Parks for incorporation into the Forest Management Plan, and

WHEREAS the ECSWCD presently has an existing public benefits agreement with the County in the amount of \$242,000 to provide services related to the preservation of soil and water resources, and

WHEREAS, it would be to the County's benefit to amend the existing agreement with the ECSWCD in order for it to immediately undertake this preliminary field work, critical for the Forest Management Plan, and

WHEREAS, there is insufficient time to seek responses from other potential consultants for this endeavor through the request for proposal procedures due to the immediate need for the data to be gathered within the next three months.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive is authorized to enter into an amended agreement by and between Erie County and the ECSWCD increasing the current amount of \$242,000 by an additional \$30,000 for a total of \$272,000, and be it further

RESOLVED, that such amended agreement shall require ECSWCD to provide all services and data collection as may be required by the Department of Parks for use in the development of the Forest Management Plan, and be it further

RESOLVED, that this Legislature hereby makes a finding of necessity that the special services to be rendered by the ECSWCD must be provided immediately, and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, County Comptroller, Director of Budget, Management and Finance, Commissioner of Parks, Recreation and Forestry, Commissioner of the Department of Environment and Planning, County Attorney & the Erie County Soil & Water Conservation District.

Fiscal Impact: To Be Determined.

MS. CHASE moved to amend the resolution to include Et Al Sponsorship. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

MS. CHASE moved the approval of the resolution as amended. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 48 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 491

Re: Support for the Need of Less Expensive
Power in Erie & Niagara Counties. (Intro. 14-8)

A RESOLUTION SUBMITTED BY
LEGISLATOR McCARVILLE

WHEREAS, in 1957, the United States of America and New York State entered into a historic partnership, the Niagara Redevelopment Act (“Act”), with regard to the generation of hydroelectric power in the area after the collapse of Niagara Mohawk’s Schoellkopt Power Station in the Niagara Gorge due to a landslide in 1956, and

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WHEREAS, this partnership resulted in the Robert Moses Power Project, Lewiston Pump Station and Reservoir ("Project") which utilizes the entire share of water from the Niagara River allocated to the United States by treaty with the Dominion of Canada for hydroelectric power generation, and

WHEREAS, the Project is operated by the New York Power Authority (NYPA), and

WHEREAS, the Project is registered with the Federal Energy Regulatory Commission ("FERC") to generate approximately 1880 MW of firm power at any given moment on any given day, and

WHEREAS, pursuant to the Act, 50% of the firm power generated by the Project is utilized at the outset by NYS municipal customers and municipal customers in Ohio, Pennsylvania and Vermont, and

WHEREAS, under the Act, 445 MW or Replacement Power is sold to Niagara Mohawk for distribution to Niagara Mohawk's former industrial customers of the Schoellkopf Power Station within a 30 mile radius of the Project, and

WHEREAS, 13% of the firm power is sold to Niagara Mohawk, New York State Electric & Gas and Rochester Electric & Gas under NYS law for sale at generation cost to their residential customers across their respective distribution networks from the Erie and Niagara Counties east, north and south toward Albany County, and

WHEREAS, pursuant to NYS law, 250 MW or Expansion Power is sold to industrial/business customers within a 30 mile radius of the Project as an economic development tool, and

WHEREAS, it is estimated that the Project may generate an additional 325 MW of peak power, when upgrades are complete, during times when the demand for power consumption is greatest, and

WHEREAS, peak power can only be sustained for short periods of time and fluctuates given a variety of factors like water levels, seasons and demand, and

WHEREAS, due to statutory requirements for the distribution of power, residential and some business/industrial customers in Erie and Niagara Counties pay some of the highest utilities bills in the nation, and

WHEREAS, current technology upgrades to the Project and water levels/limits will likely result in only an additional 35 MW of firm power for distribution by NYPA from the Project,

NOW, THEREFORE, BE IT

RESOLVED, that the statutory requirements for the distribution of power from the Project and many other factors; technology, water levels, seasons, and/or demand, can limit how much power from the Project is distributed and to whom it is distributed, and be it further

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RESOLVED, that the Erie County Legislature, does hereby urge NYPA and NYS to retain any new firm power generated by the Project for distribution to customers within Erie and Niagara Counties for their specific benefit and for overall economic development of the area, and be it further

RESOLVED, that certified copies of this resolution be sent to President Bush, the Federal Energy Regulatory Commission, the Western New Delegation to the U.S. House of Representatives and Senate, Governor Pataki, the Western New York delegation to the NYS Legislature, New York Power Authority, County Executive Giambra, the Erie County Department of Environment and Planning, and the Niagara County Legislature.

Fiscal Impact: None for the Resolution.

MR. McCARVILLE moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors:

SWANICK, RANZENHOFER, CHASE, CUSACK, FALKNER, LARSON, WEINSTEIN, HOLT, DeBENEDETTI, DUSZA, FISHER, KUWIK, MARINELLI, SCHROEDER & SMITH.

MR. McCARVILLE moved to further amend the resolution. MR. RANZENHOFER seconded.

DELETE the Fifth WHEREAS clause and REPLACE with the following :

WHEREAS, pursuant to the Act, 50% of the firm power generated by the Project is classified as Preference Power and is allocated to municipal customers throughout New York and 10% is allocated to municipal customers in New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, Ohio and Pennsylvania, and

DELETE the Eighth, Ninth, Ten, Eleventh and Twelve WHEREAS clauses and REPLACE with the following:

WHEREAS, current technology upgrades to the Project and water levels/limits will likely result in only an additional 35 MW of firm power for distribution by NYPA from the Project, and

WHEREAS, peak power can only be sustained for short periods of time and fluctuates given a variety of factors like water levels, seasons and demand, and

WHEREAS, it is estimated that the Project may generate an additional 325 MW of peak power, when upgrades are complete, during times when the demand for power consumption is greatest, and

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WHEREAS, due to statutory requirements for the distribution of power, residential and some business/industrial customers in Erie and Niagara Counties pay some of the highest utilities bills in the nation,

MR. McCARVILLE moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 49 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 492

Re: Designating 9/1 – 9/6/03 as Union Label Week in Erie County. (Intro. 14-9)

A RESOLUTION SUBMITTED BY LEGISLATORS
HOLT, SCHROEDER, MARINELLI, DEBENEDETTI, SMITH,
DUSZA, KUWIK, FISHER & DALE

WHEREAS, Erie County unions build a better America by empowering their members to be better citizens, and

WHEREAS, because unions raise wages, standards and working conditions for all working families, they contribute to the economic strength and vitality of the community, the region and the state, and

WHEREAS, unions are also at the vanguard of efforts to help the community mobilize behind policies which enhance the quality of life for all from public education and fair taxes to job creation and a stable business environment for the long-range vitality of Erie County, and

WHEREAS, the key to maintaining a strong and resilient economy at every level is to create and maintain decent jobs, a goal which Erie County shares with our unions, and

WHEREAS, the union label and union shop card are emblems of the dedication of union members to the principles of team work and commitment to each other and the greater good of Erie County, and

WHEREAS, the union label and union shop card indicate that employment standards, wages and working conditions that prevail in a given establishment are derived from the process of collective bargaining, providing workers with a voice on the job and ensuring them of fair treatment,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby declare the week of September 1st through the 6th 2003 to be Union Label Week in Erie County, and encourages working families to look for and patronize employers who proudly display union labels on their products and union shop cards in their businesses, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Buffalo AFL-CIO Central Labor Council President John Kaczorowski (532 Ellicott Square Building, 295 Main Street, Buffalo, NY 14203) and Daniel Boody, WNY Central Labor Federation President (585 Aero Drive, Buffalo, NY 14225).

Fiscal Impact: **None for this resolution.**

MR. HOLT moved to amend the resolution. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

ADD the following Co-Sponsors:

SWANICK, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE & WEINSTEIN

MR. HOLT moved the approval of the resolution as amended. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 50 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 14-10 From LEGISLATORS KUWIK, HOLT & SMITH Re: Buffalo Intermodal Transportation Center.

Item 51 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 14-11 From LEGISLATORS HOLT, SCHROEDER, MARINELLI, DEBENEDETTI, SMITH, DUSZA, KUWIK, FISHER & DALE Re: Opposition to Federal Family Time Flexibility Act.

Item 52 – CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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Intro. 14-12 From HOLT, SCHROEDER, MARINELLI, DEBENEDETTI, SMITH, DUSZA, KUWIK, FISHER AND DALE Re: Reaffirming EC's Commitment to Apprenticeship Programs.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 53 – MR. LARSON moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 13E-30. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 493

Re: Contract Modification Comm. 19E-25
(2002) ECSD No. 1 Sanitary Sewer
Rehabilitation Design Services.

MR. LARSON moved to amend the resolution. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the New York State Department of Environmental Conservation has directed Erie County Sewer District No.1 to undertake a sanitary sewer system rehabilitation project, in relation to the Highland Road Pumping Station elimination project, for which engineering consultant services are necessary; and

WHEREAS, the engineering firm of Parsons Engineering Science is already under contract to perform engineering services to rehabilitate other sewers in Erie County Sewer District No.1; and

WHEREAS, the engineering firm of Parsons Engineering Science, Inc. is recommended by the Department of Environment and Planning to perform the work at a cost not to exceed \$132,815.00.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Parson Engineering Science, Inc. is authorized to provide Design and General Services during construction at a cost not to exceed \$132,815.00, and be it further

RESOLVED, that Erie County Comptroller be authorized and directed to allocate \$132,815.00 from Sewer Capital Fund 430, Project 694, for the purpose of a sanitary sewer system rehabilitation project, and be it further

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RESOLVED, that the Erie County Executive be, and hereby is, authorized to execute an agreement amendment with the firm of Parson Engineering Science, Inc., 180 Lawrence Bell Drive, Williamsville, New York 14221 to provide the needed engineering services; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; one copy to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance.

MR. LARSON moved the approval of the resolution as amended. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

Item 54 – MR. LARSON moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 13E-63. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 494

Re: ECSD No. 6 Manhole Rehabilitation
Contract No. 36SA Bid Opening.

MR. LARSON moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Sanitary Sewer Manhole Rehabilitation Project, Contract No. 36SA, on June 19, 2003.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 36SA	H & K Services Inc., Inc. 6585 Town Hill Road Conewango Valley, NY 14726	\$385,810.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Sanitary Sewer Extension Project, Contract No. 36SA, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
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Contract No. 36SA

H & K Services Inc., Inc.
 6585 Town Hill Road
 Conewango Valley, NY 14726

\$385,810.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$385,810.00 from Sewer Capital, Erie County Sewer District No. 6, Fund No. 430, Project No. 914, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

MR. LARSON moved the approval of the resolution as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 55 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 13E-37. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 495

Re: Increases to Consultant and Construction
 Contracts Town of Tonawanda.

MR. RANZENHOFER moved to amend the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Legislature approved a contract for the design of the Reconstruction of Kenmore Avenue (CR 189) and Vulcan Street in the Town of Tonawanda between URS of Buffalo, New York and the County of Erie in Meeting Number 16, held on July 12, 2001, Communication Number 15E-20, and

WHEREAS, the Erie County Legislature approved a contract for the Reconstruction of Kenmore Avenue (CR 189) and Vulcan Street in the Town of Tonawanda between Concrete Applied Technologies Corporation (dba CATCO) and the County of Erie in Meeting Number 8, held on April 11, 2002, Communication Number 8E-10, and

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WHEREAS, it is necessary to continue the construction for improved access and safety of travel to the new General Motors Engine Facility which will be completed and operating by September 2003, and

WHEREAS, this new General Motors Engine Facility shows a commitment to economic development and provides employment to the Western New York area, and

WHEREAS, the cost for additional work on Kenmore Avenue exceeds the original bid for this project due to unforeseen circumstances, and

WHEREAS, CATCO is willing to honor the favorable alternate bid prices for Vulcan Street, that they bid under the Reconstruction of Kenmore Avenue and Vulcan Street project on January 31, 2002, and

WHEREAS, funds are available for both regionalism and economic development purposes through the Erie County Tobacco Trust fund, and

WHEREAS, the estimated cost to reconstruct Vulcan Street is approximately \$1,500,000 and the Town of Tonawanda and the City of Buffalo have both agreed and provided resolutions and/or commitments to pay \$500,000 each as their share of the cost, and

WHEREAS, it is anticipated that the State of New York will also contribute \$500,000 from an intermodal fund source towards the reconstruction of Vulcan Street, and

WHEREAS, it is anticipated that the total \$1,500,000 reconstruction cost for Vulcan Street will be fully reimbursed by funding provided by the Town of Tonawanda, the City of Buffalo, and the State of New York, and

WHEREAS, the New York State Department of Transportation will enter into an agreement with Erie County for the Reconstruction of the Kenmore Avenue/Sheridan Drive Intersection, and

WHEREAS, Erie County will pay 100% of design, right of way and construction inspection fees and the New York State Department of Transportation will fund 100% of the construction cost of the intersection as a reverse betterment.

NOW, THEREFORE, BE IT

RESOLVED, that the original contract for engineering services with URS be increased by an additional amount of \$2,000,000 and distributed as follows:

1. complete engineering and construction inspection for Kenmore Avenue - \$700,000
2. design and construction inspection services for Vulcan Street - \$700,000
3. design and construction inspection services for Kenmore/Sheridan Intersection - \$600,000

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for a total increase of \$2,000,000 from the Tobacco Trust Fund, and be it further

RESOLVED, that the contract be increased for construction with CATCO, to complete Kenmore Avenue by an amount of \$800,000 from the Tobacco Trust Fund, and be it further

RESOLVED, that a construction contingency fund for the complete construction be set aside in the amount of \$850,000 from the Tobacco Trust Fund, and be it further

RESOLVED, that the total sum of \$3,650,000 (\$2,000,000 + \$800,000 + \$850,000) be taken from the Tobacco Trust Fund and placed in SFG 420-249, Kenmore Avenue Reconstruction – GM Access Improvement Program, and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for construction within the monetary limits as may be imposed by the New York State Department of Transportation, and be it further

RESOLVED, that the County be authorized to accept funds from the Town of Tonawanda and the City of Buffalo in the amount of \$500,000 each, and be it further

RESOLVED, that the County also be authorized to accept anticipated intermodal funds from the State of New York in the amount of \$500,000, and be it further

RESOLVED, that the County anticipates receiving the full estimated construction cost for Vulcan Street of \$1,500,00 from the receipt of reimbursement funding from the Town of Tonawanda, the City of Buffalo, and the State of New York in the amount of \$500,000 each, and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Deputy Commissioner, Highways and one copy each to the Commissioner of Public Works and to the Erie County Comptroller.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 56 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 13E-44. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 497

Re: Ralph Wilson Stadium – Sideline Suite Renovations – Phase II – Contingency Fund Increase.

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WHEREAS, the Department of Public Works received bids for the Ralph Wilson Stadium – 2003 – Sideline Suite Renovations – Phase II project on April 21, 2003, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders, and

WHEREAS, Erie County is responsible for providing yearly capital maintenance and repair to the stadium in accordance with the New Lease Agreement between the Buffalo Bills and Erie County,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund for the Ralph Wilson Stadium – 2003 - Sideline Suite Renovations – Phase II project be increased by \$30,000 to a new total amount of \$105,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2003 Stadium Renovations Capital Budget, Fund 410, Project 406, in an amount not to exceed \$30,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Comptroller.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 57 – MS. CUSACK moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 13E-4. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 497

Re: ECC Budget for 2003 – 2004.

RESOLVED, that the Erie Community College budget for the fiscal year commencing September 1, 2003 and ending August 31, 2004, in the amount of \$73,511,217.00 with a sponsor contribution of \$15,429,317.00, is hereby approved.

MS. CUSACK moved the approval of the resolution. MR. RANZENHOFER seconded.

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CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: NONE.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 58 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. HOLT seconded.

GRANTED.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 14-13 From HOLT, MARINELLI, SMITH, SCHROEDER, DEBENEDETTI, FISHER, KUWIK, DUSZA AND DALE Re: Amendment to Intro. 14-6 (2003).

Item 59 – MR. HOLT moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 498

Re: Opposition to Unfunded Mandates.
(Intro. 14-14)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK,
RANZENHOFER, HOLT, DEBENEDETTI, LARSON, CHASE, WEINSTEIN,
McCARVILLE, CUSACK, SCHROEDER, FALKNER & SMITH

WHEREAS, the State of New York routinely and regularly passes along the costs and burden of a variety of governmental supports and services to counties, with those counties having no recourse but to absorb the costs, and

WHEREAS, this process is commonly referred to as “unfunded mandates,” and

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WHEREAS, examples of expensive unfunded mandates include the County local share of the costs of Medicaid, which is the single-largest state-imposed unfunded mandate and which is costing Erie County approximately \$158 million in 2003, and the Persons in Need of Supervision program, and

WHEREAS, Legislators in Oswego County, and Schuyler and Rockland Counties are introducing legislation in their respective Legislatures to draw attention to the high costs to County governments by state-imposed unfunded mandates – costs that are increasingly draining County governments, and

WHEREAS, that legislation is entitled “Dump Unfunded Mandates,” and

WHEREAS, on January 24, 2002, this Honorable Body unanimously approved Intro. 3-3, Opposition to Costly New State Mandated Programs,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its deep concern and opposition to the imposition of extremely costly unfunded mandates by New York State Government onto local governments, as well as Erie County, and be it further

RESOLVED, that in order to call attention to this situation, any Erie County tax increase that occurs after July 4, 2003 as the result of an unfunded mandate from New York State shall be identified by the year the unfunded mandate was signed into law, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno and Members of the Western New York Delegation to the New York State Legislature.

Fiscal Impact: **None for this resolution.**

MR. HOLT moved to amend the resolution to include Et Al Sponsorship. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

MR. HOLT moved the approval of the resolution as amended. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 60 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded. MR. DALE objected.

CHAIRMAN SWANICK directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

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Comm. 14E-11 From the CLERK OF THE LEGISLATURE Re: Change of September Session Dates.

*** See item #83 for further action on this item.

Item 61 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. LARSON seconded. MR. DALE objected.

CHAIRMAN SWANICK directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

Comm. 14E-12 From CHAIRMAN SWANICK Re: Change of September Session Dates.

*** See item #83 for further action on this item.

COMMUNICATIONS FROM ELECTED OFFICIALS**FROM CHAIRMAN SWANICK**

Item 62 – (Comm. 14E-1) Copy of Letter to 8th District Administrative Judge Re: Recommendation for Appointment to 8th Judicial District Law Library Board of Trustees.

Received and filed.

FROM LEGISLATOR McCARVILLE

Item 63 – (Comm. 14E-2) Letter to Chairman Swanick Re: Explanation for Abstention on Vote for Comm. 12E-39 (2003).

RECEIVED, FILED & PRINTED.

July 3, 2003

Hon. Charles M. Swanick
Chairman, Erie County Legislature
Old County Hall Annex -7th Floor
25 Delaware Avenue
Buffalo, NY 14202

Dear Chairman Swanick:

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Pursuant to the Rules of Order for the Erie County Legislature, please allow this letter to serve as my explanation for my abstention on the vote for Comm. 12 E-39.

At present, I am employed part-time by TVGA Consultants, but my duties for TVGA Consultants do not directly involve the procurement, preparation, or performance of any contract between TVGA Consultants and the County of Erie. In addition, any wages that I receive from employment with TVGA Consultants are in no way directly affected by any contract between TVGA Consultants and Erie County.

I trust that the above will suffice.

Thank you.

Very truly yours,

Steven P. McCarville
Erie County Legislator
13th District

cc: Laurie A. Manzella
Clerk, Erie County Legislature

Item 64 – (Comm. 14E-3) Letter to Chairman Swanick Re: Explanation for Abstention on Vote for Comm. 11E-18 (2003).

RECEIVED, FILED & PRINTED.

July 3, 2003

Hon. Charles M. Swanick
Chairman, Erie County Legislature
Old County Hall Annex - 7th Floor
25 Delaware Avenue
Buffalo, NY 14202

Dear Chairman Swanick:

Pursuant to the Rules of Order for the Erie County Legislature, please allow this letter to serve as my explanation for my abstention on the vote for Comm. 11E-18.

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At present, I am employed part-time by TVGA Consultants, but my duties for TVGA Consultants do not directly involve the procurement, preparation, or performance of any contract between TVGA Consultants and the County of Erie. In addition, any wages that I receive from employment with TVGA Consultants are in no way directly affected by any contract between TVGA Consultants and Erie County.

I trust that the above will suffice.

Thank you.

Very truly yours,

Steven P. McCarville
Erie County Legislator
13th District

cc: Laurie A. Manzella
Clerk, Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 65 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 499

Re: Office of Traffic Safety – Revision
2002 – 2003 Grant. (Comm. 14E-4)

WHEREAS, Erie County has been awarded a block grant from the New York State's Governor's Traffic Safety Committee for traffic safety awareness and enforcement, and

WHEREAS, Erie County has been awarded additional funds for the “Child Passenger Safety” program, and

WHEREAS, the County budget must be amended to agree with the finally approved State grant budget, which includes the additional, State funding.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that the amended budget will agree with the final State authorization.

OFFICE OF TRAFFIC SAFETY

MEETING NO. 14
July 10, 2003

ERIE COUNTY LEGISLATURE

Project #684
10/1/02 - 9/30/03

<u>APPROPRIATIONS</u>	<u>FROM</u>	<u>CHANGE</u>	<u>TO</u>
Acct. 800 Personal Services	\$50,134	\$0	\$50,134
Acct. 805 Fringe Benefits	11,611	0	11,611
Acct. 810 Office Supplies	1,250	0	1,250
Acct. 814 Medical Supplies	9,900	4,800	14,700
Acct. 824 Travel and Mileage	1,200	0	1,200
Acct. 825 Out of Area Travel	2,300	300	2,600
Acct. 826 Other Expenses	9,120	2,312	11,432
Acct. 880 Interfund			
1100 Dept. Co. Executive	5,013	0	5,013
5100 D.I.S.S.	2,218	0	2,218
Acct. 933 Laboratory & Tech Equip	0	1,800	1,800
TOTAL APPROPRIATIONS	<u>\$92,746</u>	<u>\$9,212</u>	<u>\$101,958</u>

<u>REVENUES</u>	<u>FROM</u>	<u>CHANGE</u>	<u>TO</u>
Acct. 592 State Aid			
Dept. of Transportation	<u>\$92,746</u>	<u>9,212</u>	<u>\$101,958</u>
TOTAL REVENUE	<u>\$92,746</u>	<u>\$9,212</u>	<u>\$101,958</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, Erie County STOP-DWI, the Office of the Sheriff, the Office of the Comptroller and the Office of Traffic Safety.

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 66 – (Comm. 14E-5) ECSD No. 2 – Southwest Interceptor & Pumping Station Facilities Evaluation – Change Order No. 7.

Item 67 – (Comm. 14E-6) ECSD No. 5 – Engineering Service Agreements – Work Order PH-3 & Funding.

Item 68 – (Comm. 14E-7) ECSD No. 3 – Engineering Service Agreements – Work Order PH-4.

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

Item 69 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 500

Re: ECSD No. 3/Village of Hamburg Proposed Agreement – Merger of Services Study – Sanitary Sewers. (Comm. 14E-8)

WHEREAS, the Village of Hamburg has requested that the County assist the Village with the completion of a sanitary sewer merger of services evaluation to explore the potential benefits and cost savings associated with a potential merger; and

WHEREAS, the County has successfully completed several sanitary sewer merger studies leading to the merger of sanitary sewer services between the County and other municipal entities in the past year; and

WHEREAS, the Village will retain a consultant to complete the study including a detailed engineering and economic evaluation.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County and the Village of Hamburg for the completion of a merger of sanitary sewer services study, is hereby approved; and be it further

RESOLVED, that the County pay up to \$50,000 toward the completion of the study and the Village pay for the remainder, estimated at \$22,300; and be it further

RESOLVED, that the County's share of the cost of the study (\$50,000) shall be funds available in the Regionalism/Economic Development Fund DAC 110 904 303 830 1299, which shall be transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller; Andrew Eszak, Deputy Commissioner, Department of Environment & Planning; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and David Fontaine, Village Administrator, Village of Hamburg.

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 70 – (Comm. 14E-9) Copy of Letter to Ranzenhofer Re: Comm. 11E-7 (2003).

Item 71 – (Comm. 14E-10) Copy of Letter to County Executive Re: Intro. 6-3 (2002).

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS**FROM THE DIRECTOR OF REAL PROPERTY**

Item 72 – (Comm. 14D-1) Auction of County-Owned Properties.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 73 – (Comm. 14D-2) Transmittal of New Claims Against Erie County.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 74 – (Comm. 14D-3) Minutes of Board of Trustees Meeting.

Item 75 – (Comm. 14D-4) Agenda for Board of Trustees Meeting.

The above two items were received and filed.

FROM THE COUNTY ATTORNEY

Item 76 – (Comm. 14D-5) Transmittal of New Claims Against Erie County.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**FROM THE CITY OF BUFFALO**

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

Item 77 – (Comm. 14M-1) Copy of Certified Resolution Re: Memorializing EC to Adopt Anti-Sprawl Measures – Water.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SENATOR RATH

Item 78 – (Comm. 14M-2) Receipt of Resolution.

Received and filed.

FROM THE NFTA

Item 79 – (Comm. 14M-3) Board Minutes.

Received and filed.

FROM THE LEGAL AID BUREAU OF BUFFALO

Item 80 – (Comm. 14M-4) 2002 Financial Statements, 2002 Annual Report & Minutes.

Received and filed.

FROM THE TOWN OF WALES

Item 81 – (Comm. 14M-5) Copy of Certified Resolution Re: Opposition to Sharing Sales Tax with Buffalo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECIDA

Item 82 – (Comm. 14M-6) Notice of Board of Directors Meeting.

Received and filed.

Chairman Swanick directed that the meeting enter into recess at 4:12 p.m.

Chairman Swanick convened a meeting of the Committee of the Whole.

The Chairman declared the meeting reconvened at 4:15 p.m.

COMMITTEE REPORTS

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

Item 83 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 501

July 10, 2003

COMMITTEE OF THE WHOLE
REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby RECEIVED, FILED & PRINTED.

	Item	Page	-2003	(Comm. 14E-11)
a.	CHAIRMAN SWANICK		July 10, 2003	

Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue – 7th Floor
Buffalo, New York 14202

Dear Ms. Manzella:

Be advised that, pursuant to Rule No. 2.01 of the Erie County Legislature's *RULES OF ORDER*, I am canceling the September 4, 2003 Session and rescheduling it for Thursday, September 11, 2003, at 2:00 p.m.

Be further advised that, pursuant to Rule No. 2.01 of the Erie County Legislature's *RULES OF ORDER*, I am canceling the September 18, 2003 Session and rescheduling it for Thursday, September 25, 2003, at 2:00 p.m.

Please notify all legislators of this change.

Sincerely,

CHARLES M. SWANICK
Chairman

CHAIRMAN SWANICK directed that a roll call vote be taken.

MEETING NO. 14**July 10, 2003****ERIE COUNTY LEGISLATURE**

AYES: DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DALE & DeBENEDETTI.

CARRIED. (15.153 – 1.847)

	Item	Page	-2003	(Comm. 14D-6)
b.	CLERK OF THE LEGISLATURE			
			July 10, 2003	

To: All Erie County Legislators and Staff
 From: Laurie A. Manzella, Clerk
 Subject: CHANGE OF SEPTEMBER SESSION DATES

The Sessions of the Erie County Legislature previously scheduled for September 4, 2003, and September 18, 2003, have been canceled.

Chairman Charles M. Swanick has rescheduled the September Sessions for **Thursday, September 11, 2003, at 2:00 p.m.** and **Thursday, September 25, 2003, at 2:00 p.m.**

This change will not affect any other previously scheduled Session dates.

Be advised that the clock-in deadline for items to be considered at the September 11th Session will be before 11:00 a.m. on Tuesday, September 9, 2003.

Be further advised that the clock-in deadline for items to be considered at the September 25th Session will be before 11:00 a.m. on Tuesday, September 23, 2003.

ATTACHMENT – 1

c: Hon. Joel A. Giambra, County Executive (w/ Attachment)
 Hon. Frank J. Clark, District Attorney (w/ Attachment)
 Hon. Patrick M. Gallivan, Sheriff (w/ Attachment)
 Hon. Nancy A. Naples, Comptroller (w/ Attachment)
 Hon. David J. Swarts, County Clerk (w/ Attachment)
 Other Interested Parties (w/ Attachment)

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DALE.

MEETING NO. 14
July 10, 2003

ERIE COUNTY LEGISLATURE

CARRIED. (16.112 – 0.888)

CHARLES M. SWANICK
CHAIRMAN

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DALE & DeBENEDETTI.

CARRIED. (WEIGHTED VOTE: 15.153 – 1.847)

MEMORIAL RESOLUTIONS

Item 84 – Legislator Cusack requested that when the Legislature adjourns, it do so in memory of James Burke.

ADJOURNMENT

Item 85 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, September 11, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, September 11, 2003 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK